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Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fourth periodic reports of States Parties

Luxembourg*

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* For the initial report submitted by the Government of Luxembourg, see CEDAW/C/LUX/1, which was considered by the Committee at its seventeenth session. For the second periodic report submitted by the Government of Luxembourg, see CEDAW/C/LUX/2, which was considered by the Committee at its seventeenth session. For the third periodic report submitted by the Government of Luxembourg, see CEDAW/C/LUX/3. which was considered by the Committee at its twenty-second session.

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Introduction

On 2 February 1989, Luxembourg ratified the Convention on the Elimination of All Forms of Discrimination against Women, which was approved by national legislation on 15 December 1988. In accordance with article 27, paragraph 2, of the Convention, the Convention entered into force for Luxembourg on 4 March 1989.

Luxembourg submitted its initial report in January 1996. The second periodic report covered the period from January 1996 to March 1997, and the third periodic report the period from March 1997 to December 1998. It was presented by the Minister for the Advancement of Women to the Committee on the Elimination of Discrimination against Women on 19 January 2000.

The report and the recommendations made by the Committee were the subject of a consultation debate held on 4 March 1998 in the Chamber of Deputies with respect to equality of opportunity between women and men, which was organized at the proposal of the Commission on Equality of Opportunity between Men and Women and on the Advancement of Women. The Committee's report and recommendations were forwarded to ministers, members of the Chamber of Deputies and NGOs working on behalf of the equality of women and men and the advancement of women. Following the presentation of the third periodic report, the handbook for young people 16 to 18 years of age dealing with the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was updated in collaboration with a class of students at the Institute for Studies in Education and Society [Institut d'Études Éducatives et Sociales], and 10,000 copies were distributed in 2000 and 2001 to students in academic and technical secondary schools.

Following up on the Committee's recommendations, the Minister for the Advancement of Women oversaw the inclusion by the Interministerial Committee on Equality between Women and Men of the recommendations in the strategy-*cum*-framework and the national plan of action for implementing the recommendations and the declaration of the special session of the General Assembly of the United Nations entitled "Gender equality, development and peace for the twenty-first century". The Beijing-plus-five National Plan of Action (Beijing+5 NPA) was adopted on 29 June 2001 following consideration by the Council of Government. It introduces the "mainstreaming" approach with respect to gender equality: that is, it calls for any political action to be examined with respect to its potential for having a different impact on women and men.

In that Plan of Action, the Government reaffirms its commitment:

- To apply the mainstreaming approach with respect to the gender dimension in all aspects of policy; and
- To organize positive actions and the taking of positive temporary measures to establish true gender equality in all areas where discrimination exists or continues to subsist.

The present commitment completes Action Plan 2000. The Interministerial Committee on Gender Equality is responsible for drawing up each year an implementation plan for the Government that brings together all the actions and initiatives planned by the various ministries. As long as any inequality exists between women and men, it is important to pursue an active policy to promote gender equality. Particulars in regard to the various priority areas of action are presented at the end of each chapter dealing with the corresponding article of the Convention.

The present report outlines the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the implementation of the Beijing Declaration and Platform for Action and Beijing+5, and covers the period from 1998 to 2002. It deals in particular with the follow-up of the Committee's recommendations made upon consideration of the third report on 19 January 2000.

In reference to the Committee's request concerning the inclusion of gender equality within the Constitution, the following text is proposed for article 11, paragraph 2, of the Constitution in the proposed revision prepared by the Committee on Institutions and Constitutional Review of the Chamber of Deputies: "Women and men have equal rights and duties. The State may adopt specific measures with a view to guaranteeing *de facto* equality in the exercise of rights and duties." In drafting the text, the Committee has followed the lead of article 141, paragraph (4), of the Treaty on European Union. It is planned that the draft amendments to the Constitution will be adopted during the 2000 to 2004 legislative term.

On the subject of the reservations entered at the time of ratification of the Convention on the Elimination of All Forms of Discrimination against Women, Luxembourg made a reservation with respect to article 7 of the Convention in that the rules for succession to the Crown of the Grand Duchy of Luxembourg, which are based on male primogeniture, are embodied in the Constitution. The constitutional provision in question has not been declared amendable. It should be noted, however, that Luxembourg's current Constitution does not permit a constitutional provision to be declared amendable during the course of a legislative term (article 114). Article 114 itself, however, has been declared amendable at the end of the preceding legislative term, with provision made for amending the Constitution as follows: "The legislature has the right to declare the need to amend any constitutional provision it specifies."

The legislative work necessary in order to remove the second reservation – that relating to a child's patronymic name (article 16) – is under way. Draft legislation concerning the patronymic name of children was tabled in the Chamber of Deputies on 13 September 2001.

In regard to changes in behaviour and mentality attributable to traditions and stereotypes, the policies that have been undertaken are at various levels. In the legislative sphere, the policies adopted in furtherance of such change include the introduction of parental leave for both fathers and mothers, the obligation to negotiate an equality plan as part of the negotiation of collective agreements, the introduction of positive actions in private-sector enterprises and the law on protection from sexual harassment in the context of working relations.

Informational and instructional actions undertaken with a specific focus on teachers, instructors and educators within the framework of the "Sharing equality" project have been substantially augmented, and publicity campaigns have been broadened. The gender perspective has been made a cross-sectoral theme in the new "Life tomorrow in Luxembourg" programme of the National Research Fund [Fonds National de la Recherche], and will be examined in the study "The importance of the gender dimension in the personal and professional development of teaching and socio-educational personnel". Many awareness and orientation actions are being organized for women wishing to re-enter the workforce and participate in the country's economic life in the framework of the National Action Plan on Employment.

The situation of women in the labour force is examined each year in the framework of the National Action Plan on Employment. The participation rate of young women is increasing steadily. The Government has planned a major campaign focusing on the pay gap between women and men involving public authorities, social partners and NGOs working on behalf of the advancement of women (2001). The project, which has received financial assistance from the European Commission within the context of its programme concerning the community framework strategy in regard to gender equality (2001-2005), is entitled "Pay equality and the challenge of democratic economic development". International partners are: the Equal Opportunity Directorate of the Federal Ministry of Employment and Labour of Belgium; the Labour and Employment Equality Commission of the Ministry of Equality of Portugal, the Women's Rights and Equality Service of the Ministry of Employment and Solidarity of France; and the European Trade Union Confederation (ETUC).

In its declaration of 12 August 1999, the Government undertook the commitment to enact legislation for the removal from the family home of persons who commit acts of domestic violence. Draft legislation on domestic violence was tabled in the Chamber of Deputies on 17 May 2001. Among its provisions, the bill would provide the Government with the necessary tools for gathering data on the phenomenon of domestic violence.

In regard to health, the present report provides the figures the Committee has requested.

With reference to the amendment of article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women in order to change the amount of time necessary in order for the Committee on the Elimination of Discrimination against Women to meet to consider reports, and the ratification of the Optional Protocol to the Convention which introduces a right of petition for the benefit of private individuals and/or groups of private individuals in the event that a State Party to the Convention should fail to respect the Convention's provisions and after internal processes of appeal have been exhausted, the relevant draft legislation will be submitted shortly to the Council of Government.

The present report describes the process under way in Luxembourg aimed at achieving true equality of women and men.

Article 2. Elimination of discrimination

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

1. Embodying the principle of the equality of women and men in the Constitution

The draft amendment to the Constitution prepared by the Committee on Institutions and Constitutional Review of the Chamber of Deputies proposes the following text for article 11, paragraph 2, of the Constitution: "Women and men have equal rights and duties. The State may adopt specific measures with a view to guaranteeing *de facto* equality in the exercise of rights and duties." In drafting the text, the Committee has followed the lead of article 141, paragraph (4), of the Treaty on European Union. It is planned that the draft amendments to the Constitution will be adopted during the 2000 to 2004 legislative term.

2. Legislation embodying the principle of equality between men and women

The following laws have been enacted since the third periodic report prepared in 1998:

- The Law of 7 July 1998, which amends: (1) the Law of 18 May 1979, as amended, with respect to the reform of staff delegations; and (2) the Law of 6 May 1974, as amended, with respect to the establishment of joint committees in private-sector enterprises and the organization of employee representation in companies (see article 3, section 9);

- The Law of 12 February 1999 with respect to the National Plan of Action (NPA), which establishes, in particular:
    - The obligation to discuss the establishment of an equality plan when collective agreements are negotiated in the private sector;
    - Positive actions;
    - Parental leave, and leave for family-related reasons;
    - Various measures to promote the employment of women (see sub-article 11);
- The Law of 8 June 1999 with respect to supplementary pension plans;
- The Framework-Law of 22 June 1999 aimed at supporting and promoting ongoing occupational training (see article 11, section 65);
- The Law of 26 May 2000 with respect to protection from sexual harassment in the context of working relations, and the amendment of various other laws (see article 2, section 4);
- The Law of 28 June 2001 with respect to the burden of proof in cases of discrimination on the basis of sex (see article 2, section 3);
- The Law of 1 August 2001 with respect to protection for workers who are pregnant, have recently given birth or are breastfeeding (see article 4, section 17).

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

3. The Law of 28 June 2001 with respect to the burden of proof in cases of discrimination on the basis of sex

Bill 4707 with respect to the burden of proof in cases of discrimination on the basis of sex was adopted by the Chamber of Deputies on 17 May 2001 and published in the *National Gazette* [*Mémorial*] on 31 July 2001. Articles 1, 2 and 3 of that Law read as follows:

Article 1. Definitions

- The principle of equality of treatment implies the absence of all discrimination on the basis of sex, whether direct or indirect.
- Indirect discrimination exists when a provision, criterion or practice which is by appearances neutral affects a significantly higher proportion of persons of one sex than the other, unless such provision, criterion or practice is appropriate and necessary or can be justified by objective factors not relating to the sex of the persons concerned.

Article 2. Application

The present law applies to all disputes within the framework of civil or administrative proceedings in the public and private sectors relating to access to employment, pay, possibilities for advancement or occupational training, access to an independent occupation, working conditions and occupational social-security plans.

Article 3. Burden of proof

When a person who considers that he or she has been affected as a result of failure to respect the principle of equality of treatment establishes, before a court or other competent authority, facts that support the presumption of the existence of direct or indirect discrimination, the defendant shall be required to prove that there has been no violation of the principle of equality of treatment.

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

4. The Law of 26 May 2000 with respect to protection from sexual harassment in the context of working relations, and the amendment of various other laws

Definition

Under the Law of 26 May 2000, the term "sexual harassment" is understood to refer to any physical, verbal or non-verbal conduct based on sex which the perpetrator ought to know affects the dignity of a person in the workplace, when one of the following three conditions is fulfilled:

- The conduct is ill timed, abusive and hurtful for the person towards whom it is directed;
- The fact that the person towards whom the conduct is directed refuses or accepts such conduct is used as a basis for a decision affecting that person's rights in relation to his or her employment;
- The conduct creates a climate of intimidation, hostility or humiliation *vis-à-vis* the person towards whom it is directed.

It is sufficient that any one of these three conditions be met in order for the conduct to be deemed to constitute sexual harassment. That such conduct is intentional is presumed.

It is up to the victim to prove the material facts, and up to the perpetrator to prove that he or she did not know and could not know that his or her behaviour would affect the dignity of a person in the workplace.

Victims

Article 1 of the Law of 26 May 2000 stipulates the persons that are covered under the Law, as follows:

- Employees, as defined in article 1 of the Law of 24 May 1989 concerning employment contracts;
- Trainees, apprentices and students hired during school holidays.

The amendatory provisions of the Law provide protection for public servants employed by the State and in the communes.

Perpetrators of sexual harassment

The Law states that it is concerned with sexual harassment "in the context of working relations". This embraces reprehensible conduct not only within the workplace itself but also during a business trip or at the home of the person harassed.

The Law of 26 May 2000 applies with respect to sexual harassment by an employer, a supervisor, a fellow employee, a customer or a supplier.

Employer's obligations

In order to protect their employees, employers are responsible for creating a working environment that is free of sexual harassment by taking preventive measures and halting any sexual harassment of which they may be aware, whether perpetrated by employees, customers or suppliers. Preventive measures must include information measures. Since the enactment of the Law of 26 May 2000, collective labour agreements are required to provide for disciplinary sanctions that the employer can impose in cases of sexual harassment. At no time may measures be taken against the victim of harassment.

Protection of victims and witnesses of sexual harassment

In no case may an employee be subject to reprisals by reason of his or her protestations or refusals in response to acts of sexual harassment by any of the categories of potential perpetrators (article 5, paragraph (1), of the Law of 25 May 2000).

The same principle applies to an employee who has been a witness to sexual harassment (article 5, paragraph (2), of the Law of 25 May 2000).

Any provision or action taken in violation of this article, and in particular any dismissal in violation of the provisions of article 5, shall be legally null and void. Any victim or witness whose employment contract is terminated in violation of article 5 may ask to be reinstated simply by making a request to the president of the employment tribunal.

If an employer takes no action notwithstanding the fact that employers are legally bound to halt any sexual harassment of which they are aware, the victim may ask the president of the employment tribunal to require the employer, within such time period as the president may establish, to put an end to any act that the president may recognize as constituting sexual harassment in the context of working relations.

The victim may resign without giving advance notice, and receive damages and interest from the employer whose failure to act brought about the immediate termination of the contract. In this context, the employer's failure to act is understood in reference to the obligations imposed on employers under the new Law, to wit, the obligation not to perpetrate any kind of sexual harassment, the obligation to halt any sexual harassment of which employers may become aware, and the obligation to take all preventive measures necessary in order to safeguard the dignity of all persons in the context of working relations.

Actions by the equality delegate in private-sector enterprises

The delegate responsible for issues relating to equality between the sexes or, if there is no such delegate, the staff delegation, is charged with overseeing the protection of employees against sexual harassment in the context of working relations. He or she is also responsible for providing assistance and advice to any employee subject to sexual harassment. He or she must respect the confidentiality of any information received from the employee, unless the employee waives such confidentiality. The employee is also entitled to be assisted by a delegate in any interview that is held with the employer or with a representative of the employer in the framework of a sexual harassment inquiry.

The provision of such assistance by the delegate is an important feature of the Law, intended to help protect the victim. It is essential that the victim be able to confide in someone who can help him or her and assist him or her in the procedures to be followed. The attitude of a victim who exposes sexual harassment rather than hiding away is critical in order to assure his or her protection.

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

5. Luxembourg Commission on Ethics in Advertising

The Luxembourg Commission on Ethics in Advertising is an organization concerned with ethical issues in advertising. The Ministry for the Advancement of Women has submitted a number of complaints relating to the image of women in advertising to the Commission for comment. The Commission's role is to take a position and to express its opinion to the Ministry. The Ministry then conveys the Commission's opinion to the advertiser and invites the advertiser to follow up where appropriate.

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

6. Feminine forms of occupations, titles and functions: *Occupations, titles and functions for men and women (1998)*

A guide has been prepared for the general public concerning the feminine forms of occupations, titles and functions entitled *Occupations, titles and functions for men and women (1998)* [*Féminin-Masculin : Métiers, Titres et Fonctions (1998)*].

This guide proposes masculine and feminine forms for the names of occupations, titles and functions in French, German and Luxembourgian (Letzeburgesch). It is the product of a women's working group set up in 1997 by the Ministry for the Advancement of Women.

The guide aims to strengthen awareness of the right of women to practise a trade or profession. The existence of feminine names for occupations serves as a counterweight to discrimination against women in favour of men. A woman has the right to be called by and to use the proper name for her occupation, her title or her function.

The guide is currently being adapted to reflect changes in the language of work and in the working environment (see the annual report of the Ministry for the Advancement of Women, 1999).

(g) To repeal all national penal provisions which constitute discrimination against women.

7. The situation in prisons

So far as the legal situation of prisoners with respect to access to the semi-open regime is concerned, women and men are equal according to article 100 of the Penal Code: both may have access to a semi-open regime.

Luxembourg has two prisons which operate according to different regimes. One (Givenich) operates according to a semi-open regime and is used to house only male prisoners, while the other (Schrassig) has a mixed population, operating according to a closed regime only for male prisoners and offering both a closed regime and a semi-open regime for female prisoners.

The difference in regimes thus constitutes equality *de facto* but not *de jure*. In 1999, with the agreement of the Minister of Justice, the authorities decided to open a women's pavilion at the institution operating on a semi-open regime (Givenich). One difficulty that has not yet been overcome is that of finding female staff in sufficient numbers to permit this project to go ahead (see the Foxtrott publication, article 5, section 24.3).

8. Beijing+5

To close this chapter, two points are worthy of note. First, in the context of the strategy-cum-framework and the National Plan of Action for the Implementation of the Gender Equality Policy – the Beijing+5 National Plan of Action – adopted on 29 June 2001 by decision of the Government, absolute priority will be given to removing the two reservations entered when the Convention on the Elimination of All Forms of Discrimination against Women was ratified: the first concerning the hereditary succession to the Crown of the House of Nassau, and the second concerning the choice of a child's patronymic name.

Second, the Government plans to implement a variety of measures within the framework of 12 priority areas of action. The paragraphs that follow outline what the authorities intend to do with specific reference to areas 8, 9 (partial) and 12.

Priority area 8: Promotion mechanisms

The aim of mechanisms to promote gender equality is to establish true equality between women and men in all spheres of society. To this end, a variety of different measures are necessary concerned with imparting information, raising awareness, educating and persuading. As well, the areas where promotion activities take place vary depending on the sphere of society in question.

The conditions, priorities and needs of women and men must be systematically integrated within all policies with a view to promoting activities based on equality of the sexes, and all general policies and measures must be mobilized in support of the common goal of achieving equality. At the same time, the impact of such activities, policies and measures on the specific situation of women and men must be explicitly taken into account at the planning stage with particular reference to their implementation, monitoring and evaluation (Commission communication COM (96) 67 final, of 21 February 1996):

- Inclusion in the Constitution of the principle that women and men have equal rights and duties, and the adoption of specific measures to guarantee true equality in the exercise of those rights and duties;

- Redefinition of the mission of the Interministerial Committee on Gender Equality, and strengthening of the task of Committee members in receiving the output of intraministerial working groups responsible for developing and implementing internal action plans for their ministries and coordinating them at the level of the Interministerial Committee responsible for monitoring and evaluating the implementation of the National Plan of Action (Beijing+5 NPA).

Priority area 9: Exercise of fundamental rights

In acceding to the Convention on the Elimination of All Forms of Discrimination against Women, Luxembourg has recognized the importance of women's fundamental rights. Violence against women constitutes a violation of their fundamental rights and freedoms. The phenomenon of violence characterizes the changing relationship between women and men in our society. Traditional hierarchical structures are disappearing, more democratic relations are being established between the sexes, and these are creating uncertainty as to behaviour, often cloaked in acts that seek to reassert superiority. Structural and social changes are therefore indispensable in terms of mentality, attitudes and conduct. Equality of participation in public and private life and the sharing of responsibilities, including with regard to sexuality and reproductive health, presuppose cooperation and open communication between women and men.

- Inclusion in the Constitution of the principle that women and men are equal.

Priority area 12: Discrimination against girls

Traditional stereotypes of the roles of women and men are still firmly rooted in our society. They influence the upbringing of children and prevent girls and boys from developing their potential in areas not regarded as appropriate to their sex.

Actions are therefore proposed that relate to the following:

- Incorporating a gender perspective within teacher training curricula;

- Incorporating the experiences and instructional materials produced as part of the "Sharing equality" project in early, preschool and primary education;

- Providing girls who choose non-traditional occupations with support and information;

- Extending the availability of computer-science training for teachers;

- Studying the perpetuation of traditional roles and stereotypes in education systems.

Article 3. Mechanism for safeguarding human rights

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

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9. The Law of 7 July 1998 concerning the creation of an equality delegate in private-sector enterprises

The Law of 7 July 1998 amends: (1) the Law of 18 May 1979, as amended, with respect to the reform of staff delegations; and (2) the Law of 6 May 1974 with respect to the establishment of joint committees in private-sector enterprises and the organization of employee representation in companies.

The creation of an equality delegate in enterprises that have a staff delegation provides employees of both sexes with the possibility of having a contact person to defend their particular interests.

The Law establishes that the delegate is charged with defending equality of treatment between male and female employees in regard to access to employment, training and promotion, as well as working conditions.

To this end, the delegate may:

- Give his or her opinion and make proposals on any matter relating directly or indirectly to equality of treatment within his or her spheres of competence;
- Make proposals to the employer regarding actions to raise awareness on the part of the enterprise's employees;
- Draw up an action plan and present it to the employer;
- Present individual or group complaints to the employer;
- Prevent or resolve any individual or group disputes that may arise between the employer and employees;
- In the event of it not being possible to settle such disputes amicably, refer any complaint or observation to the Inspectorate of Labour and Mines;
- Hold, each year, a meeting of male employees and a meeting of female employees;
- Ensure that apprentices receive training on an equal basis within the establishment;
- Participate in establishing and carrying out apprenticeship plans;
- Provide consultations for the enterprise's employees in an appropriate location, either during working hours or outside them. Where such consultations take place during working hours, the equality delegate must reach agreement with the head of the establishment in regard to the timing and organization of the consultations, and the time they take will be charged against the allowance of paid hours;

- Give his or her opinion in advance of the creation of any part-time post in the establishment.

He or she is provided with:

- An allowance of paid hours established in proportion to the number of employees (both male and female) that he or she represents, according to the following rule:
    - If the establishment normally has from 15 to 25 employees, the allowance is four paid hours per month;
    - If the establishment normally has from 26 to 50 employees, the allowance is six paid hours per month;
    - If the establishment normally has from 51 to 75 employees, the allowance is eight paid hours per month;
    - If the establishment normally has from 76 to 150 employees, the allowance is 10 paid hours per month;
    - If the establishment normally has more than 150 employees, the allowance is four paid hours per week.
- Training leave, for the purpose of developing his or her knowledge in the areas of economics, law, social sciences and psychology in furtherance of his or her mission;
- Appropriate office space;
- The right to leave his or her workstation by common agreement with the head of the establishment;
- The right to reimbursement of his or her travel and accommodation expenses;
- Special protection from dismissal.

The equality delegate must abide by the applicable internal regulations and maintain confidentiality.

The equality delegate is also given two half-days of training leave per year (amounting to a total of five days over the course of his or her term). Time on training leave is assimilated to working time.

The associated remuneration expenses are charged to the government in the case of establishments having fewer than 150 employees overall.

According to the most recent statistics from the Inspectorate of Labour and Mines,[1] out of 1,732 enterprises in various sectors of activity, 583 equality delegates have been registered – 269 women and 314 men.

At the sector level, general commercial banks have the highest level of registration – 59 equality delegates, of whom 40 are women (67.8 per cent).

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[1] Statistics for the period from 1 October 1998 to 28 March 2001.

10. Political participation by women in the 1999 elections, and study of participation by women in the electoral process

See article 7, section 34.

11. International action

The Conference of Women of la Francophonie held a meeting in Luxembourg on 4 and 5 February 2000 on the theme "Women, power and development". The Grand Duchy of Luxembourg welcomed heads of state, government ministers and experts concerned with gender equality from the 55 member states of the International Organization of la Francophonie (OIF).

Organized by the Intergovernmental Agency of la Francophonie and the Grand Duchy, the conference formed part of the follow-up effort in connection with the Fourth World Conference on Women organized by the United Nations in Beijing in 1995. The conference enabled members of la Francophonie to prepare their participation at the special session of the General Assembly of the United Nations planned for June 2000 in New York.

The conference also enabled member countries of la Francophonie to develop the necessary political strategies to improve the status of women in their countries.

The Luxembourg Declaration, which was drawn up by the experts and adopted at the conference, aims to promote social progress on the part of women in countries that use French as a common language, and to develop and guarantee their rights. It proposes specific actions in the field, in the areas of education and training, with particular emphasis on:

- Fostering equality of women and men in all political activities;
- A forward-looking examination of the place of women in the parliaments of countries that use French as a common language;
- Integrating women into the decision-making process on actions to promote peace and democracy and in the area of conflict prevention and settlement;
- Promoting women into advisory, decision-making and managerial positions at all levels within OIF;
- Making all member states aware of the importance of signing, ratifying, publicizing and giving effective application to all relevant international legal instruments, particularly the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Encouraging all member states to give constant attention to implementing the Convention on the Elimination of All Forms of Discrimination against Women and to examine the possibility of removing any reservations entered at the time of ratification;
- Taking steps to give effective force to the Convention on the Rights of the Child;
- Implementing a dynamic policy of cooperation with other international or regional organizations and with international non-governmental organizations involved with women's issues and development cooperation, in the context of la Francophonie;

- Maintaining the closest possible coordination between member states and governments of countries that use French as a common language to ensure respect and implementation of these objectives.

The objective of the conference was to develop solidarity in specific terms amongst women in countries that use French as a common language by promoting the creation of partnership, information and exchange networks so as to facilitate access by women to power and development.

12. Beijing+5

To conclude this chapter, the Government's intentions with respect to priority areas 7 and 9 of the strategy-*cum*-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001) are outlined below.

Priority area 7: Decision-making

Equal participation by women and men in decision-making is not only a requirement of basic justice and democracy but must also be seen as an essential condition in order for women's interests to be taken into account. The unequal division of labour and family responsibilities in their private lives prevents women from finding the time to gain the necessary knowledge to permit them to take part in political and economic decision-making.

- Strengthening of support for promoting the policy of gender equality at the commune level; training programmes geared to women;
- Research on:
  - Successes and obstacles encountered by women and men in the carrying out of their political responsibilities (study to be done by the Gabriel Lippmann Public Research Centre [Centre de Recherche Publique Gabriel Lippmann]);
  - Participation by women in decision-making in the economic sphere (study to be done by the Centre for Population, Poverty and Socio-economic Policy Studies [Centre d'Études de Populations, de Pauvreté et de Politiques socio-économiques]);
- Training for equality delegates in private-sector enterprises;
- Support for career-development training for female employees of private-sector enterprises (positive actions);
- Consideration and raising of awareness in regard to the establishment of businesses by women.

Priority area 9: Exercise of fundamental rights

In acceding to the Convention on the Elimination of All Forms of Discrimination against Women, Luxembourg has recognized the importance of women's fundamental rights. Violence against women constitutes a violation of their fundamental rights and freedoms. The phenomenon of violence characterizes the changing relationship between women and men in our society. Traditional hierarchical structures are disappearing, more democratic relations are being established between the sexes, and these are creating uncertainty as to behaviour, often cloaked in acts that seek to reassert superiority. Structural and social changes are therefore indispensable in terms of mentality, attitudes and conduct. Equality of participation in public and private life and the sharing of responsibilities, including with regard to sexuality and reproductive health, presuppose cooperation and open communication between women and men.

- Inclusion in the Constitution of the principle that women and men are equal;
- Adoption of legislation concerning the removal from the family home of those who commit acts of domestic violence;
- Specific coverage of women's rights in the education of young people of all ages, as well as in the training of teachers, law-enforcement officers, business and labour leaders, and judges;
- Support for NGOs in their efforts to disseminate information on women's rights;
- Distribution of the handbook *Equal rights for girls and boys, women and men* [*Droits égaux pour filles et garçons, femmes et hommes*], concerning the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Article 4. Temporary promotion measures

(a) Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(b) Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

(a) Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

13. Female Enterprise Award

The Female Enterprise Award is organized by the Ministry for the Advancement of Women in cooperation with the Ministry of National Education, Occupational Training and Sport, the Ministry of Labour and Employment, the Federation of Skilled Trades [Chambre des métiers], the Association of Private-Sector Employees [Chambre des employés privés], the Chamber of Commerce [Chambre de commerce], the Federation of Labour [Chambre du travail] and the Technical High School For Vocational Education and Trades [Lycée technique des arts et métiers].

The Female Enterprise Award was presented in 1998 to a new high-technology firm in Luxembourg that gave particular support to hiring women in the high-technology sector, and in 2000 to a bank that promoted an internal culture of equality.

14. International Women's Day

Every year, the Advancement of Women Units in the communes of Bettembourg and Sanem organize events to mark International Women's Day. In recent years, seminars have been organized on the following subjects:

- "Women and culture", in 1998;
- "Valuing and integrating the economic potential of women", in 1999;
- "Gender equality policy at the commune level", in 2000;
- "Introduction of parental leave", in 2001.

In 2001, the National Council of Women of Luxembourg [Conseil National des Femmes du Luxembourg] invited every commune to mark International Women's Day by organizing a meeting or some other event on the theme "Equality of opportunity between women and men: an issue for discussion in our commune". The National Council of Women of Luxembourg supported local events by means of posters and brochures.

A number of other events are organized in connection with International Women's Day on 8 March by various communes and other agencies active in women's issues.

15. World March of Women: "Against Poverty and Violence"

In Luxembourg, activities relating to the World March of Women have been coordinated by an umbrella group comprising 15 organizations.[2]

16. Quantitative analysis of working hours in the public sector

In 1998, the Minister for the Advancement of Women and the Minister for the Civil Service and Administrative Reform presented the results of a survey of 21,000 public-sector employees. The questions on the survey focused on current work schedules, career paths and occupational training, and looked at various options regarding new ways of organizing work.

Some of the findings were as follows:

- Overall within the public sector, a full-time work schedule was the norm. This was true for virtually all the men and 60 per cent of the women. The older a person's children, the more likely he or she was to be on a full-time work schedule.

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[2] The following groups took part: Agir contre le chômage [Action against Unemployment]; Centre d'Information et de Documentation des Femmes 'Thers Bodé' [Thers Bodé Centre for Information and Documentation concerning Women]; Déi Greng Fraen [Green Women]; Département Femmes de l'OGB-L (the women's section of one of the two largest labour unions in the country); Confédération Syndicale Indépendante du Luxembourg [Confederation of Independent Trade Unions of Luxembourg]; Femmes Communistes [Communist Women]; Femmes socialistes [Socialist Women]; Fédération Nationale des Cheminots, Travailleurs du Transport, Fonctionnaires et Employés, Luxembourg [National Federation of Railway Workers, Transport Workers, Civil Servants and Public Employees of Luxembourg]; Fraeforum [Women's Forum]; la Gauche – Groupe Femmes [The Left – Women's Group]; Femmes en détresse [Women in Need]; LIDIA [Liaison Action Discussion]; Rosa Lila; Stroosekanner Sao Paulo; Union des Femmes Luxembourgeoises [Union of Women of Luxembourg]; Unione delle donne italiane [Union of Italian Women]; Zarabina.

- A majority of respondents had at least one child.
- In regard to child care, nearly 60 per cent of the respondents who were parents preferred their partner to care for their child or children: this was true for 75 per cent of the men. Among the women, 40 per cent preferred their partner to care for their child or children, and 20 per cent preferred to use a private child-care provider.
- On average, more than 60 per cent of parents preferred child-care facilities at the commune level. This was particularly true in the case of men and respondents over 40 years of age.
- Overall, a little under half the parents felt that existing child-care facilities were inadequate, and more than a third felt that they were too expensive. Women gave the strongest responses.
- Women, far more than men, lacked career opportunities. More than 70 per cent of the women had not taken part in promotion examinations, and more than 70 per cent had not taken further training at the Institute for Administrative Training and Development [Institut de formations administratives]. These negative trends were even stronger amongst people working on a part-time schedule.
- Fewer than half of the respondents indicated that they were happy with their work situation.
- In regard to their current work schedule, nearly two thirds of the respondents indicated that their working hours were always determined according to the requirements of the service in which they worked.
- For nearly half the respondents, their work schedule seemed to be consistent with their individual requests for flexibility.
- In so far as options for new ways of organizing work were concerned, respondents expressed a preference for flexible hours above all, particularly in the case of those respondents under 25 years of age. For those over 40 years of age, a reduction in working hours was of greater interest.
- The individual working arrangement preferred by nearly 60 per cent of those opting for new ways of organizing their work schedules focused on altering the workweek: 40 per cent of responses expressed a preference for arrangements centring on a four-day workweek.
- Fewer than half of the respondents favoured arrangements that focused on altering the workday. The preferred length of the workday ranged from six to nine hours, with the women generally preferring a shorter workday and the men a longer workday.
- For one third of the respondents, the main obstacles to reducing their working hours were the organizational requirements of the service in which they worked and the prospect of reducing their incomes.
- For over half of those interested in reducing their working hours, the main reason was their family. This was true equally of both women and men.
- Thirty-eight per cent of public-sector personnel would agree to reduce their working hours and receive proportionally less pay (this was particularly true in the case of women, civil servants, general administrative personnel and teaching staff).

(See *Work Schedule Arrangements in the Public Sector, A Quantitative Analysis [Aménagement du temps de travail dans la Fonction Publique, analyse quantitative]*, published in March 1998 by the Ministry for the Civil Service and Administrative Reform and the Ministry for the Advancement of Women.)

Many of the survey's findings were taken into account in reforming the Civil Service Statute, for which purpose bill 4891 was tabled on 19 December 2001.

(b) Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

17. The Law of 1 August 2001 concerning protection for workers who are pregnant, have recently given birth or are breastfeeding

Definition

Bill 4661 with respect to protection for workers who are pregnant, have recently given birth or are breastfeeding was adopted by the Chamber of Deputies in public session on 5 July 2001 and published in the *National Gazette* [*Mémorial*] on 20 August 2001, becoming the Law of 1 August 2001.

The Law applies with respect to all women, regardless of their age, nationality or marital status, who are covered by an employment or apprenticeship contract or who are hired as students during school holidays, in so far as they are not covered by other legal provisions or customs that are more favourable.

The objectives of the Law are as follows:

- To bring Luxembourg's legislation into line with EU Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding, with specific reference to measures under labour law relating to protection for pregnant workers and workers who are breastfeeding: The new Law broadens the application of the Law of 3 July 1975, as amended, concerning the protection of maternity for women in the workplace to all women who are covered by an employment or apprenticeship contract or hired as students during school holidays.

- To introduce flexibility in regard to the prohibition on night work for women who are pregnant or breastfeeding: Under the new Law, the prohibition on night work is limited to those cases where night work presents a safety or health risk for women who are pregnant or breastfeeding and where the woman concerned wishes to avail herself of the protection afforded under the Law. It is the competent occupational physician who, at the woman's initiative, gives an opinion regarding the need for her to be absent from her normal work post at night. If the prohibition on night work is necessary from the standpoint of the woman's safety or health, the employer is required to reassign her to a daytime work post and to maintain her pay at its previous level, in which case the employer will be reimbursed for the extra pay involved through the corresponding health insurance coverage for maternity. If such reassignment is not possible or cannot reasonably be required, the employer is required to excuse the woman from work, in which case the costs involved are borne collectively.

- In view of the experience gained since the implementation of the Law of 7 July 1998, which amended the Law of 3 July 1975, to introduce greater flexibility in the system of protecting women who are pregnant or breastfeeding from certain agents, processes and working conditions specified pursuant to articles 5 and 6 of the Law of 3 July 1975: The Law follows the same dual approach used in Directive 92/85/EEC. Like the Directive, the Law establishes two lists of agents, processes and working conditions. For the first list, contained in Annex I to the Law, an evaluation of the nature, degree and duration of exposure is required. It is only if the evaluation reveals a risk to the employee's health or safety which could have some impact on her pregnancy or breastfeeding that there is a requirement for arrangements to be made to reassign her or to excuse her from work. With reference to the second list, which is contained in Annex II to the Law, article 14 of the Law provides that in no circumstances may a woman who is pregnant or breastfeeding be called upon to perform activities that might expose her to the agents or working conditions indicated therein.

- To specify channels of redress in regard to night work and to agents, processes and working conditions that may pose a risk: In similar fashion to the provisions set forth in article 24 of the Law of 17 June 1994 concerning occupational health services, the opinion of an occupational physician may, pursuant to the Law of 1 August 2001, be re-examined by submitting a request to this effect to the Occupational Health Division of the Health Directorate. A decision by the Chief Physician of the Occupational Health Division may be appealed to the Social Insurance Arbitration Council. A ruling by the Arbitration Council may be appealed to the Social Insurance Executive Board. However, unlike the appeal mechanisms established under article 24 of the above-mentioned Law of 17 June 1994, the procedure established under the Law of 1 August 2001 is a summary procedure in view of the need for such matters to be resolved quickly.

18. Beijing+5

To conclude this chapter, the Government's intentions with respect to priority area 8 of the strategy-*cum*-framework and the National Plan of Action for the Implementation of the Gender Equality Policy *(June 2001) are outlined below.*

Priority area 8: Promotion mechanisms

The aim of mechanisms to promote gender equality is to establish true equality between women and men in all spheres of society. To this end, a variety of different measures are necessary concerned with imparting information, raising awareness, educating and persuading. As well, the areas where promotion activities take place vary depending on the sphere of society in question.

The conditions, priorities and needs of women and men must be systematically integrated within all policies with a view to promoting activities based on equality of the sexes, and all general policies and measures must be mobilized on behalf of the common goal of achieving equality. At the same time, the impact of such activities, policies and measures on the specific situation of women and men must be explicitly taken into account at the planning stage with particular reference to their implementation, monitoring and evaluation (Commission communication COM (96) 67 final, of 21 February 1996).

- Inclusion in the Constitution of the principle that women and men have equal rights and duties, and the adoption of specific measures to guarantee true equality in the exercise of those rights and duties;

- Redefinition of the mission of the Interministerial Committee on Gender Equality, and strengthening of the task of Committee members in receiving the output of intraministerial working groups responsible for developing and implementing internal action plans for their ministries and coordinating them at the level of the Interministerial Committee responsible for monitoring and evaluating the implementation of the National Plan of Action (Beijing+5 NPA).

Article 5. Pattern of conduct

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

19. Research on the importance of the gender dimension in the personal and professional development of teaching and socio-educational personnel

See article 10, section 51.

20. The "No more compromises!" campaign

The United Nations Declaration on the Elimination of Violence against Women, adopted in 1993, recognizes the diverse forms of violence committed against women as violations of human rights. With that in mind, the Ministry for the Advancement of Women mounted a national campaign in 1999 to combat violence against women and girls. HRH the Grand Duchess served as patron of the campaign, which was organized and carried out in cooperation with some 30 national women's associations (see the annual report of the Ministry for the Advancement of Women for 1998).

The slogan for the national campaign was "No more compromises! Down with violence against women and girls!"

This campaign carried on from the previous campaign launched in 1993 which had focused on breaking the silence that surrounds such violence and on providing assistance to women and children who had been the victims of domestic violence.

The programme covered the following:

- Informing the public about the reality of violence;
- Raising the public's awareness with a view to combating acts of violence;
- Providing information on measures to prevent violence;
- Breaking taboos, and doing away with myths and prejudices;
- Ensuring that perpetrators are held responsible;

- Reviewing the applicable legislation;
- Implementing intervention systems coordinated from the legal and institutional standpoints;
- Training experts in the various intervention disciplines;
- Providing support for victims, and legal assistance for women and children who have suffered abuse.

Approximately 30 women's agencies and associations played an active role in the campaign. The activities organized in connection with the campaign included conferences, seminars, talks and round-table discussions, cultural events, awareness-raising programmes, training programmes, publications, and so on.

21. Domestic violence

21.1 Consultation debate (2001)

Within the framework of the consultation debate on domestic violence that was held on 13 March 2001, motions were adopted by the Chamber of Deputies in regard to the following:

- The organization of various training programmes for professionals involved in this area, to enable them to react effectively to the phenomenon of domestic violence;
- The organization of an awareness-raising campaign on a very broad scale, with the support of all the ministries concerned;
- Draft legislation on the removal of a perpetrator of domestic violence from the family home as quickly as possible.

21.2 Tabling of draft legislation on domestic violence

On 17 May 2001, the Minister for the Advancement of Women tabled bill 4801 on domestic violence, for the purpose of amending (1) the Law of 31 May 1999 on the police and the corresponding Inspectorate General, (2) the Penal Code, (3) the Code of Criminal Procedure, (4) the new Code of Civil Procedure and (5) the Civil Code.

The bill sought to implement the coalition accord of August 1999 which provided that "the two coalition partners are agreed on the need to ensure that, in the case of violence against a woman in a household setting, it will no longer be the woman that is obliged to leave the family home. Steps are needed to prohibit the perpetrator of the violence from entering the home."

The removal of the perpetrator of domestic violence from the family home, as called for in the coalition accord, is an innovative measure, although it is not enough in itself to achieve the three objectives that the Government has set itself:

- The prevention of acts of domestic violence;
- The holding accountable of those who commit acts of domestic violence;
- The raising of awareness throughout society as to the seriousness and specific nature of domestic violence.

For this reason, bill 4801 takes a comprehensive approach consisting of a coherent set of measures.

This approach focuses on five closely linked factors:

1. Aggravating circumstances;
2. Expulsion by the police of the perpetrator of violence;
3. Special summary procedures;
4. Strengthening of the role of victims' rights organizations;
5. Elimination of the excuse of "adulterous *flagrante delicto*".

Factor 1: Aggravating circumstances

One condition necessary for the effective application of the measure of removing the perpetrator of domestic violence from the family home is that it be understood throughout society as a whole, and particularly by law-enforcement agencies, that domestic violence is not a minor infraction, but an especially serious kind of violence. Since the perpetrator of such violence is usually someone to whom the victim has a close emotional bond, the victim's suffering is that much greater.

The aggravating circumstances referred to in the bill have been modelled on those set forth in the French Penal Code in regard to wilful assault against a person (articles 222-8, 222-10, 222-12 and 222-13 of France's new Penal Code).

The bill also follows the lead of the French Penal Code in establishing more severe treatment for those cases in which the perpetrator has committed domestic violence against his or her spouse or common-law partner, or against someone who is particularly vulnerable by reason of age, illness, infirmity, physical or mental handicap, or pregnancy where such vulnerability is known to or apparent to the perpetrator, or against a legitimate parent, birth parent or adoptive parent, or against a forebear of a legitimate or birth parent, or against a witness, or a victim, or a party associated in a court action with the public prosecutor whether through the denunciation of the commission of an act, the bringing of a charge or the giving of evidence.

The bill considers acts of domestic violence committed against the following persons to involve aggravating circumstances in addition to those persons indicated in France's Penal Code:

- A former spouse or common-law partner;
- A brother or sister of the perpetrator;
- A legitimate parent, birth parent or adoptive parent, the forebears of a legitimate or birth parent, and the children and brothers and sisters of a spouse or common-law partner or former spouse or common-law partner;
- A person considered to be in the perpetrator's care.

These aggravating circumstances apply not only in the event of physical violence, as is the case in France, but also in the event of psychological or sexual violence, such as threats of attack, insults, indecent assault, rape, and arbitrary detention and arrest, as well as domestic violence.

Factor 2: Expulsion by the police of the perpetrator of violence

Police intervention in connection with domestic violence is highly symbolic in that it represents, from the chronological standpoint, the initial reaction to domestic violence by public authorities. In the context of combating domestic violence, it is important that the holding of the perpetrator to account be made more effective.

Accordingly, it has been recommended that an administrative policy measure be introduced to allow the police to expel from a home any person who represents a danger to another person living in that home.

Under the bill's provisions, the police will take this measure only with the authorization of the State Prosecutor, where there are serious, precise, and consistent indications that a person poses an imminent threat of committing a criminal offence under the bill. Before proceeding with such expulsion, the police may consult the person's criminal record with particular reference to previous police interventions, charges and denunciations (see article I of the bill, which takes into account the prohibitions set forth in bill 4735 with respect to safeguards on the handling of personal information).

Such expulsion may be for a period of not more than 14 days.

Police may use force in carrying out this measure. If the person expelled from the family home re-enters it during the period that the expulsion is in effect, he or she will be committing the offence of unlawful entry pursuant to article 439, item 2, of the Penal Code as it will read once the amendment has been approved.

Factor 3: Summary procedures

The bill establishes three kinds of protection measures that victims of domestic violence may request from the courts:

- Prohibition on return to the family home following the expulsion of the perpetrator of domestic violence by the police (see article 1017-1 of the proposed new Code of Civil Procedure);

- Expulsion of the perpetrator of domestic violence and prohibition on his or her return to the family home (see article 1017-8 of the proposed new Code of Civil Procedure);

- A series of prohibitions applicable in particular following the definitive separation of the perpetrator and the victim or as an adjunct to a prohibition on the perpetrator's return to the family home (see article 1017-9 of the proposed new Code of Civil Procedure), such as a prohibition on frequenting certain places or on contacting the victim.

It should be noted that the group of persons entitled to request these summary procedures is the same group of persons entitled to request expulsion. At the same time, it is a smaller group of persons than those considered for purposes of determining whether aggravated circumstances apply: persons who are aged, handicapped, pregnant, infirm or in the care of the perpetrator, but not related to the perpetrator or the perpetrator's spouse, are excluded.

Factor 4: Strengthening of the role of victims' rights organizations

Stepping up the fight against domestic violence means that the role of victims' rights organizations needs to be strengthened, as their experience, expertise and contacts with victims make them essential partners in this effort.

Three measures will serve to strengthen their role:

(a) Establishment of the conditions necessary in order for the organizations to play an active role in especially difficult situations: mandatory cooperation between the police and an assistance service for victims of domestic violence;

(b) The possibility of a victim to receive help from or be represented by a worker from an assistance service for victims of domestic violence;

(c) The possibility for victims' rights organizations to engage in public activity.

Assistance service for victims of domestic violence

A new provision will require that the police, when they remove the perpetrator of domestic violence from a home, inform an assistance service for victims of domestic violence. This service will then, at its own initiative, contact the victim in order to give appropriate support and provide information on the possibility of having charges laid or requesting other summary protection measures as appropriate.

Assistance with summary procedures

A victim may receive help from or be represented by a worker from an assistance service for victims of domestic violence either in connection with a procedure aimed at prohibiting the perpetrator of domestic violence from returning to the home following his or her expulsion or in regard to any procedure aimed at taking other civil measures as proposed.

Organizations' right to engage in collective action

Similar to the provisions that already exist in regard to unlawful discrimination (see article VI of the Law of 19 July 1997 which amends the Penal Code by modifying the criteria for offences constituting racism and prohibiting revisionism and other actions based on unlawful discrimination), it is planned that all organizations that are national in scope will be given the possibility of exercising the rights recognized as pertaining to a party associated with the public prosecutor in a court action in regard to occurrences of domestic violence or violence *vis-à-vis* certain categories of particularly vulnerable victims (the handicapped, the elderly, children) where prejudice to the collective interests defended by such organizations are involved.

Factor 5: Elimination of the excuse of "adulterous *flagrante delicto*"

Lastly, the bill would repeal article 413 of the Penal Code which considers murder, assault or injury committed by one spouse against the other spouse or the other spouse's "accomplice" to be excusable when such takes place in a situation where the first spouse surprises the second spouse in "adulterous *flagrante delicto*". Indeed, this article has fallen into disuse and is at odds with the philosophy of the new draft legislation which condemns domestic violence of every kind regardless of the underlying motive. The terms "accomplice" and "adulterous *flagrante delicto*" are anachronisms inasmuch as adultery ceased to exist as an offence two decades ago.

The bill also provides for statistics to be kept on domestic violence.

21.3 Women's telephone hotline

Since 14 March 1998, the non-profit organization Women in Need [Femmes en détresse] has operated the "Fraëntelefon 12344" telephone hotline service. A multidisciplinary team has been set up to take the calls. The aim of this initiative is to provide a telephone contact point for women where they can seek help or obtain information on such issues as family matters, employment, housing, money matters, violence and rape, sexuality, maternity, physical and mental health, ageing, immigration and recreation (see the annual reports of the Ministry for the Advancement of Women for 1998 and 1999).

21.4 Activities of the Ministry for the Advancement of Women

The Ministry for the Advancement of Women organized a number of activities in connection with the campaign conducted in 1999 and 2000 on the prevention and elimination of violence against women:

- A lecture and workshop conducted by Dr. Alberto Godenzi of Switzerland, who described research on men's potential for violence and provided detailed and alarming statistics on the subject for the year 1999;

- A lecture given in Luxembourg by Dr. Albin Dearing on guidance for perpetrators of domestic violence, and the prevention of such offences, 2000;

- Lecture on domestic violence with respect to the Law of 31 May 1999 (measures to combat traffic in human beings), in comparison with Austrian legislation;

- Self-defence courses for women and teenaged girls, organized by the Ministry for the Advancement of Women;

- A television advertisement provided by the European Commission, of which an adaptation in Luxembourgian (Letzeburgesch) was made that was broadcast over a period of two weeks; and articles published in the country's daily newspapers and women's magazines;

- A logo designed especially for the campaign, which was distributed as a pin; and the use by the national postal service of a cancellation mark incorporating the campaign logo on all stamped mail during the month of November;

- A poster to publicize the campaign, stressing prevention and youth awareness, which was prepared in cooperation with the Ministry of National Education and Occupational Training;

- The preparation and distribution, in cooperation with women's shelters, of three brochures dealing with violence and rape;

- A day of solidarity organized on 27 November 1999 to mark the close of the official campaign – a great success, with over 30 associations taking part.[3]

21.5 Measures by Luxembourg's national police force

In the context of new police training programmes, and particularly basic instruction for the inspector career stream (article 3) and the brigadier career stream (article 5) pursuant to the draft regulations governing the operating procedures of the Police Academy [École de Police] adopted by the Council of Ministers on 6 December 2000, and on the recommendation of the Ministry for the Advancement of Women regarding the importance of including training modules on the subject of violence against women, seminars in this area were offered.

Overall, the measures taken by Luxembourg's national police force in regard to preventing and eliminating violence against women in the context of police activities proposed by the United Nations in relation to consideration of the third periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women lie in three areas:

1. Specific measures in the area of personnel training.

2. Specific measures in regard to prevention.

3. Specific measures in regard to investigation.

1. Personnel training

Basic training at the Police Academy

An eight-session course entitled "Helping victims", which focuses on domestic violence, is given to police inspectors in training. The programme also includes various presentations relating to domestic violence presented by speakers from the private sector (NGOs working on behalf of women's concerns, particularly women's shelters, the Open Door [Porte Ouverte] shelter, the Pro Familia Foundation [Fondation Pro Familia], the non-profit organization Women in Need [Femmes en détresse], and a physician.

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[3] AFP Services, a non-profit organization; Aidsberodung Croix-Rouge [Red Cross AIDS Services]; Association Nationale des Infirmières Luxembourgeoises [Luxembourg National Association of Nurses]; Amnesty International; Fondation Caritas [Caritas Foundation]; Carrière; CID Femmes [Thers Bodé Centre for Information and Documentation concerning Women]; CLAE [Immigrant Liaison and Action Committee]; Conseil National des Femmes Luxembourgeoises [National Council of Women of Luxembourg]; Foyer Sud Fraen an Nout [Women in Need – South Shelter]; Femmes Chrétiennes-Sociales [Christian-Social Women]; Femmes en Détresse asbl [Women in Need]; CFFM [information centre for women, families and single-parent families] – Fraenhaus [Women's Home] – Kannerhaus [Crèche and Child-care Centre] – Mederchershaus [Young Women's Home]; Femmes Socialistes [Socialist Women]; Fondation Kannerschlass [Foundation to combat the sexual exploitation of children]; Fondation Maison de la Porte Ouverte [Open-door Shelter Foundation]; Fondation Pro Familia Foyer Bethlehem [Pro Familia Foundation – Bethlehem Shelter]; Fraeforum [Women's Forum], a non-profit organization; Foxtrott; Groupe Lidia [Liaison, Discussion, Action Group]; Info-Handicap; Initiativ Liewensufank [Initiative for Starting Life]; Jugendtreff – Reiden [Reiden Youth Centre]; Kiwanis Luxembourg Aalstad; Noémi asbl, Ökumenische Forumsgruppe [Church Forum]; Participation action femmes immigrées [Participation and Action Association to aid Immigrant Women]; Planning Familial; Rosa Lila; Service à la condition féminine de l'Administration communale de Bettembourg [Advancement of Women Unit of the Bettembourg commune government]; Union des Femmes Luxembourgeoises [Union of Women of Luxembourg]; Union Luxembourgeoise des Femmes Baha'ies [Baha'i Women's Association of Luxembourg]; Lycée Technique des Arts et Métiers [Technical High School For Vocational Education and Trades]; NAMASTÉ du Lycée Hubert Clément ["Namasté" theatre group of Hubert Clément High School]; Lycée Technique de Bonnevoie [Bonnevoie Technical High School]; Lycée Technique du Centre [Central Technical High School]; the Ministry of National Education and Occupational Training; the Ministry of Family Affairs; the Ministry of Law Enforcement; the Ministry of Youth Affairs; the Ministry of Justice; and the Ministry of Health.

In addition, the course entitled "Handling violent situations" ["Comportement en situation de violences"] includes a practical exercise for training police in how to intervene in a family setting in cases involving physical violence (see the Regulations of 20 June 2001 issued by order of the Grand Duke concerning conditions of recruitment, training and advancement for police officers and conditions for admission to special services).

The Regulations specify the subjects to be covered in the final entrance examination, one of which is a practical course in handling violent situations (see article 19 of the Regulations: chapter II, item (C), on the inspector career stream, and chapter III, item (D) on the brigadier career stream).

Ongoing training

In recent years, personnel in the research and criminal investigation sections have taken training in the following areas in cooperation with a foundation concerned with children in difficult family situations:

- Cognitive interviews;
- Sexual abuse: digging for the truth;
- Violence within the family: how patterns of violence can be repeated from one generation to the next if they are not caught and corrected.

Such courses, forming part of both basic and ongoing training programmes, are taken by both male and female personnel. Women currently account for 5.4 per cent of all personnel.

2. Prevention

A brochure containing advice to parents on how to protect their children from sexual abuse has been prepared and distributed in the schools.

Copies of the brochure have also been made available in waiting areas at police stations with a view to raising public awareness, particularly on the part of parents.

In order to heighten the public's awareness of crime in general (robberies, break-ins, sexual assaults, etc.), brochures and posters on the theme "Reducing the opportunity for crime" ["Réduisons le risque"] were prepared in 1999 by the Police Board. The brochures were circulated and made available to the general public, while the posters were put up in conspicuous locations with the assistance of the communes and shop-owners.

The brochure "Child sex abuse" ["Les abus sexuels à enfants"], published in 1999 by the Ministry of Family Affairs, Social Solidarity and Youth, was made available to all police units.

3. Investigation

In the event of a complaint regarding sexual assault against a woman, the judicial investigation is assigned to the appropriate local research and criminal investigation section. This section gathers the necessary information, conducts the investigation and draws up the summary record of the proceeding. When they hear the victim's account, the investigators are assisted by female police officers.

In June 2000, a new tool was introduced, called the "sexual assault set", or "SAS". This is used in cases of rape or attempted rape to preserve physical evidence from a sexual assault victim which the police can then use, with the victim's consent, when directed to do so by the investigating judge. An SAS kit, which is used only by the physician participating in the investigation, consists of the instruments and specimen containers necessary for obtaining and preserving any substances that may result from an act of sexual assault.

21.6 Aid services

Sexual assault victims may contact the Family Planning Service [Planning familiale], the White Ring association [De Waïsse Rank] or the Psychology and School Guidance Service [Service de Psychologie et d'Orientation Scolaire].

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

22. Parental equality

On 11 January 2001, during the Swedish presidency of the European Union, a symposium was held in Luxembourg on the theme "Professional equality, parental equality". The symposium was organized by the Ministry for the Advancement of Women, the City of Luxembourg and the Swedish Embassy, and brought together participants from both Luxembourg and Sweden, as well as political representatives and experts in the field.

Debate centred on gender equality in the two countries. In all, the symposium was attended by 220 people.

23. The changing roles and responsibilities of women and men

The project "Involving fathers right from the beginning" ["Paternité active, dès le début"], organized by the non-profit organization Initiative for Starting Life [Initiativ Liewensufank], aims to raise the awareness of fathers-to-be and prepare them for their role. Employing appropriate means, the organization's workers provide information to new fathers, raise their awareness and give them guidance so as to encourage them to become actively engaged as fathers in the course of their daily lives. The project also aims to divide family responsibilities more equally between women and men.

In 2001, lectures, seminars and presentations on the topic "Children for paternity leave" were organized in conjunction with International Women's Day by the Advancement of Women Units of the communes of Bettembourg and Sanem. The report prepared on these activities contains a study of parental leave in Sweden and summaries of the various workshops.

24. Public awareness activities, information and publications

24.1 Television commercials

Since 1998, the Ministry for the Advancement of Women has been conducting a television advertising campaign aimed at raising public awareness over the short, medium and long terms with regard to:

- An improved division of occupational and family responsibilities between the woman and the man in a household;
- A change in role stereotyping, for both women and men;
- The importance of girls' choice of occupation.

The campaign centres on two main areas: the sharing of family and occupational responsibilities between women and men within the home, and the choices that girls make in preparing themselves for their future working careers.

In 2000, the Ministry for the Advancement of Women produced three commercials which have been shown in rotation on the national television network. They focus on women who have chosen careers that are not traditional female occupations:

- An automobile mechanic;
- A civil engineer;
- A camerawoman.

The campaign's slogan is "Equality is the way of the future".

In 2001, the Ministry for the Advancement of Women produced two television commercials intended for the general public.

- In the first, two small children, a little girl and a little boy, start with two separate sand-piles and use them to build a huge common sand-pile between them, to their mutual delight. Message: Equality between women and men is something that needs to develop from childhood.
- In the second commercial, two older children, a girl and a boy, are having fun in front of a computer screen. Taking turns, they type in their own bits of text and edit what the other has typed. Eventually viewers see the finished text on the screen, which is the slogan of the Ministry for the Advancement of Women: "Equality is the way of the future". Pleased with their work, the girl and boy shake hands. The message: equality between women and men is something that children must work towards in just the same way as adults.

Among the positive steps taken by the Ministry for the Advancement of Women was the formulation of a new advertising campaign. In 2001, four advertisements were prepared following a public call for proposals, and placed in specialized Luxembourg publications. The images in the advertisements depict women in non-traditional occupations (pilot, surgeon, etc.), and are accompanied by captions that have a dual meaning. For example, "Nowadays, more and more men are placing their hearts in women's hands" (with a photo showing a female surgeon), and "Today, women are rising higher and higher" (with a photo showing a female pilot).

The aim of these advertisements is to draw the attention of business leaders to the efforts needed in order to achieve equality of opportunity for women and men in the workplace and to encourage them to initiate positive actions in this regard within their organizations.

In 2001, the Ministry for the Advancement of Women redesigned its Internet website <http://www.MPF.lu> with the assistance of the Information and Media Service [Service Information et Presse] of the National Information Technology Centre [Centre Informatique de l'État] and an outside firm. The new site design incorporates improved standards of presentation (placement of logos, navigation and support tools, etc.). The "calendar" section of the website lists all events organized by the Ministry, and is available to organizations concerned with women's issues for posting information about their own activities.

24.2 Focus groups

Regional focus groups coordinated by the Ministry for the Advancement of Women have been in operation since 1996. Their purpose is to improve the dissemination of information to women in regard to all matters of interest to women, to find ways that will help better to reconcile the demands of home life and work life, and to develop measures that will help improve the integration of women in the working world.

As from 12 November 1998, the various groups were formally constituted as a non-profit organization under the name Women's Forum [Fraëforum].

The purpose of the Women's Forum is to work towards equality between women and men in all aspects of life, to disseminate information that is useful to women, to discuss subjects of relevance to women and to organize activities relating to these aims. The Women's Forum receives financial assistance from the Ministry for the Advancement of Women.

Since it was established, the Women's Forum has also provided counselling for women who are experiencing specific problems such as divorce or domestic violence. The Women's Forum also organizes regional seminars on such subjects as women's rights, insurance and pension coverage, women and money matters, and domestic violence.

24.3 Publications

- *Equal rights for women and men, girls and boys* [*Droits égaux pour femmes et hommes, filles et garçons*]

On 11 May 2000, the Ministry for the Advancement of Women presented to the Institute for Studies in Education and Society [Institut d'Études Éducatives et Sociales] the second edition of the book on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, in the presence of the students and authors who had taken part in preparing the book (see the 2000 annual report of the Ministry for the Advancement of Women).

- Feminine forms of occupations, titles and functions: *Occupations, titles and functions for men and women (1998)* [*Féminin-Masculin : Métiers, Titres et Fonctions (1998)*]

(See article 2, section 6.)

- *Women without bars* [*Femmes sans barreaux*]

The non-profit organization Foxtrott was established in February 1999 for the purpose of promoting and supporting training and education activities for inmates of the Luxembourg Prison [Centre Pénitentiaire de Luxembourg]. The organization's membership consists of staff members of the Luxembourg Prison, occasional participants from within the inmate population and individuals concerned with inmates' welfare.

On 3 March 1999, a presentation was made of a book written by women inmates of the Luxembourg Prison. The book contains 90 pages of poems, essays and interviews written in German, French, Luxembourgian (Letzeburgesch), Portuguese and Spanish, with nine drawings and 14 photographs depicting prison life (see the 1999 annual report of the Ministry for the Advancement of Women).

25. Twenty-four-hour reception centres, emergency services offered by NGOs and non-profit organizations

Most centres can provide shelter for women, either alone or with their children, at any time of the day or night when necessary in response to problems such as domestic violence, a family break-up, an inability to find housing, an excessive debt burden, a difficult pregnancy or social distress. Funding to cover these services is provided by the government.

Initially, women and their children are given shelter at no charge in group homes, and they are offered training and educational opportunities in the daytime. Once their personal situation has stabilized, they can move on to second-stage accommodations for a limited period of time, where the staff of the reception centres maintain contact with them and monitor their progress. These second-stage accommodations, for which the rental fee is geared to the women's ability to pay, are made available until the women have become sufficiently independent to be able to live on their own.

The following is a list of the various 24-hour reception centres and emergency services available.

- **Open Door Shelter**

The Open Door Shelter Foundation [Fondation de la Maison de la Porte Ouverte] provides accommodations for women who are pregnant and for new mothers with their babies at the Mothers' House [Hôtel Maternel].

Most of the young women who seek assistance from the Mothers' House or the Young Mothers' Home [Groupe Jeunes Mamans] are pregnant when they arrive. They leave the accommodations provided by the organization once they have established stable living arrangements for themselves and their babies (a job, the guaranteed minimum income, housing; or enrolment in continuing education or training courses).

The Paula Bové Home [Foyer Paula Bové] is a shelter that provides accommodations for women seeking assistance for a variety of reasons: they may have been victims of violence, or may be in serious distress on account of family problems, or may be having serious difficulty in finding housing, and so on.

The Ozanam Social Assistance Centre [Service Social Centre Ozanam] assists women with administrative tasks, and is responsible for admitting new residents to the Foundation's various shelters.

The Sichem Home [Foyer Sichem] is a structure that offers assistance to women who need it, particularly single women, pregnant women and mothers with young children.

The Young Mothers' Home [Maison Jeunes Mamans] serves pregnant women and new mothers with their babies. Many of the women it assists are pregnant teenagers.

The Red House [Maison Rouge] is a building that provides supervised accommodations configured as two apartments and two studios. It provides second-stage accommodations for women who initially received assistance at the other shelters.

At the Sichem Home and the Red House, special attention is given to marital difficulties (e.g., separation from a violent spouse).

Many women regularly face problems involving psychological, physical, economic and sexual abuse. With time, they may acknowledge that they have been victims of sexual abuse or fondling as young girls. Often, damaging experiences of this kind lie at the root of their marital problems and prevent them from establishing a relationship based on mutual trust.

- **Women in Need [Femmes en détresse]**

Women in Need manages the Women's Home [Fraenhaus] for battered women, the Young Women's Home [Mederchershaus] and supervised accommodations for women and teenaged girls who have been victims of violence.

The Women's Home systematically applies techniques of devictimization and feminist intervention in approaching the problem of violence against a spouse. One of the aims of this approach is to prevent the occurrence of further situations of victimization and institutional violence – that is, to avoid situations in which the women are unable to become fully independent and make their own decisions about their children and their future lives. Counsellors conduct intensive sessions with the women to help them regain their self-esteem. In the process, the women come to understand that their inability to take action is a learned behaviour and to recognize the symptoms of post-traumatic stress syndrome.

The Young Women's Home is a reception centre for teenaged girls who are victims of sexual, physical or psychological abuse.

- **The National Council of Women of Luxembourg [Conseil National des Femmes du Luxembourg]**

The National Council of Women of Luxembourg operates the South Shelter [Foyer Sud], which provides accommodations for women seeking assistance for a variety of reasons. The most common is domestic violence, followed by difficulty in finding housing.

- **The Pro Familia Foundation [Fondation Pro Familia]**

The Pro Familia Foundation operates a shelter for women seeking assistance for a variety of reasons: psychological, social or physical distress resulting from domestic violence, separation or a launching of divorce proceedings; loss of employment; difficulty in finding housing; and social problems and problems in relationships.

- **Noémi asbl**

The main purpose of the Noémi shelter is to provide a place for women to give birth in anonymity. The shelter monitors the women and gives them educational and psychosocial guidance with respect to both themselves and their children – during their pregnancy, in their children's education, in regard to their personal problems and problems in relationships, in cases where they are burdened by excessive debt and in instances where they are facing social distress.

26. Information, education and consultation services for women

Information and consultation offices

The government provides funding for information and consultation services to assist women. The information and consultation offices of Women in Need, the National Council of Women of Luxembourg and the Pro Familia Foundation provide psychological, social and legal counselling.

- **Women in Need [Femmes en détresse]**

This organization offers a range of services.

The **psychological counselling service** is provided for women and single-parent families facing a situation of personal, marital or family crisis. The reasons why a woman might seek such counselling include: life guidance, depression, loneliness, marital or family problems, separation, divorce, child custody and visiting arrangements, and issues relating to family reconciliation and step-families.

The **educational counselling service** is provided for women and single-parent families that have questions relating to children's education. The reasons why a woman might seek such counselling include: behaviour problems, difficulties in school, questions about a mother's role and what it means to be a "good" mother, questions about the impact of multiculturalism on the education of children from immigrant families, and questions about setting limits and the consequences of failure to respect limits.

The **Fresh Start [Nei-Ufank] service** offers practical assistance to women who want to work, re-enter the workforce or take training programmes, or who have administrative tasks that they need to carry out in order to submit applications to government authorities. In addition, the Fresh Start service provides social support and training, on both an individual and a group basis, in areas such as conflict management, self-exploration and affirmation, and stress reduction.

The **Kopplabunz** is a women's meeting centre which has organized seminars, women's groups and recreational activities.

The **Krank Kanner Doheem Service** offers care for sick children at home when the parents work outside the home. One third of all the requests for this service come from single-parent families (all of them families headed by a single mother).

The **Fraentëlëfon 12344 telephone hotline service** operates 24 hours a day. It offers women information regarding administrative procedures and requirements, their rights, the availability of training courses, and general guidance.

- **Back-to-work Initiative [Initiativ Rëm schaffen]**

This organization provides guidance and counselling for women who wish to re-enter the workforce. It gives every woman who is looking for work an individual, personalized reception. Once an assessment has been done of her motivation, an employment plan is developed.

About 75 per cent of the organization's clients are women who wish to re-enter the job market. Most of them have not yet registered with the Employment Administration.

- **Initiative for Starting Life [Initiativ Liewensufank]**

This organization offers a broad range of pre- and post-natal courses and group sessions, as well as seminars on childbirth for women, families and health professionals. Thanks to counselling provided over the telephone and in person, and the doula service, many families have been provided with the information and support they need in order to get through the perinatal period, which is often a difficult time.

- **CID-Femmes**

The Thers Bodé Centre for Information and Documentation concerning Women [Centre d'Information et de Documentation pour Femmes Thers Bodé] is active at the socio-cultural level. CID-Femmes has a library that includes periodicals and recordings, and has some 1,550 musical scores by female composers. Newspaper articles that discuss the situation of women in Luxembourg are archived and may be consulted on the premises. The Centre publishes an information bulletin called *CID-info*; five issues are produced every year, and it is distributed widely. *CID-info* provides information on women's cultural and social activities in Luxembourg and in adjacent areas of neighbouring countries, and on the progress being made within Luxembourg in regard to EU projects relating to gender equality. CID-Femmes has organized many seminars, exhibitions and cultural events.

The Centre's cultural programme for 2001 has stressed the carrying out of awareness-raising activities in the schools (in schools and conservatories of music as well as kindergartens and primary schools), while its socio-cultural activities have focused on cooperation with labour unions in support of the paternity-leave initiative (the "Pappecongé" project) and with the communes. A project to raise awareness in the schools with regard to gender equality is currently being prepared.

27. Study of stay-at-home women[4]

A study of stay-at-home women was conducted in 1997 at the initiative of the Ministry for the Advancement of Women, and the results were published in 1998. In all, 1,549 individual interviews were done. The following are some of the findings that emerged from the study:

- More than half of stay-at-home women are over 54 years of age. Stay-at-home women under 25 years of age are extremely rare.
- Most stay-at-home women are married, have at least two children and live with their husbands.
- Approximately 10 per cent of the stay-at-home women interviewed are widows.
- It is rare for a stay-at-home woman to have children and not be married.
- A majority of stay-at-home women live in their own houses or apartments and their economic situation is relatively comfortable, except in the case of women from southern Europe, particularly Portugal, whose husbands are often unskilled labourers.
- Most stay-at-home women are Roman Catholics, although a sizeable percentage indicate that they are atheists or agnostics.
- Many stay-at-home women hold only a primary school diploma. It is only among stay-at-home women under 25 years of age that a significantly higher percentage hold a secondary school diploma.

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[4] Hausfrauen in Luxembourg, Ergebnisse einer Repräsentativbefragung, par SFS, Frau Ellen Hilf, Sozialfroschungsstelle, Dortmund Landesinstitut, 1998.

- Most stay-at-home women have some job experience in some traditionally female kind of employment such as an office worker, which has neither provided them with the wherewithal to support the household financially nor enabled them to further their personal development.

- The education profile of younger stay-at-home women suggests that pregnancy is the reason why they discontinue their studies or leave their jobs.

- One of the main reasons why women stay at home is the arrival of children, partly because they wish to bring up their children themselves and partly because the availability of child care does not encourage them to continue working. Older stay-at-home women in particular were obliged to remain at home at the time, either because their husbands asked them to or because they were dismissed by their employers.

- By and large, stay-at-home women perform only household tasks. In most families, the children help out occasionally, while the husbands take out the garbage and perform traditionally male tasks such as working in the garden. The whole family participates in the weekly shopping, however. The stay-at-home women who receive the greatest support in their day-to-day tasks are those whose husbands are office workers or are unemployed.

- A proportion of the fathers play no part whatever in looking after the children. Younger fathers and fathers with larger families, however, engage in activities that go beyond playing games and offering comfort.

- Support for rearing the children is sought from grandmothers or from outside sources, particularly in families that are better off financially.

- In addition to housework, stay-at-home women perform a multitude of unpaid tasks such as looking after other children or family members requiring varying degrees of care. Stay-at-home women are active in volunteer work.

- In general, a stay-at-home woman has a 10-hour workday. The advantages of staying at home are the freedom to organize her work in any way she pleases and the pleasure of being with her children and watching them grow up day by day.

- The biggest problem remains the lack of social recognition for the work performed by stay-at-home women.

- On the subject of financial dependence, it is only a small minority of stay-at-home women that do not have direct access to the couple's financial resources. They do have social insurance coverage, which is provided as part of their husbands' coverage. However, they do not regard marriage so much as an institution for providing mutual support and assistance as a union rooted in the emotions. This is underscored by their views on divorce. Indeed, stay-at-home women indicate that financial arguments do not enter the equation when they decide to get a divorce. Only older stay-at-home women indicate that the bleak job market is a factor which discourages divorce. Whether there are children in the home does not matter. A majority of the women interviewed indicated that they would prefer to bring up their children in a single-parent household rather than in a household that was financially better off but characterized by conflict.

- Pensions remain one of the most important issues for stay-at-home women.

- The women's desire to re-enter the workforce varies according to the age of the women interviewed. The younger they are, the more they want to get back to having paying jobs. Often, however, they do not have a specific plan in mind.

- The concept of women who stay at home is gradually disappearing, and a more egalitarian vision of family life is emerging in which family responsibilities are divided between women and men and there is some varying period of time devoted to child-rearing.

- To achieve this vision, women want a structure that is more effective and better meets the specific needs of child-rearing (structured child-care services, flexible schedules). See article 11: the National Plan of Action for 1999 calls for expanded child-care services.

- As long as a full-time worker is perceived within society as a man who has no family obligations and no need to devote more time to his children or family, women will be obliged to choose between staying at home (and the financial dependence that implies) and a life in which they are continually overworked as they attempt to perform two or even three roles. See article 3: the National Plan of Action calls for parental leave and changes in conduct.

- Many young stay-at-home women feel that they need to justify their refusal to take on a dual role and their acceptance of financial dependence. Mothers who work, on the other hand, have nagging doubts about the welfare of their children. Often, if they have the wherewithal to do so, they hire a housekeeper to look after the home and their children.

- Both groups of women look to the government to take action, either by establishing a system to reduce the personal risk that results from financial dependence in the form of a salary for child-rearing and a pension that takes into account the number of years spent performing this role, or by establishing a system to offer child-care services and extend flexible working hours and part-time work so that these options are widely available.

- Overall, stay-at-home women want the government to establish structures and implement reforms in keeping with the new view of the family. Many of these demands have been incorporated by the Government in its policy initiatives.

28. Women and unpaid work

A consultation debate on equality of opportunity between women and men was held on 26 February 1998 (see the report adopted by the Commission on Equality of Opportunity between Women and Men and on the Advancement of Women, parliamentary document 4387, Chamber of Deputies, 1997-98 regular session, dated 26 February 1998). The following points are drawn from that report:

Definitions

Unpaid work:

- May be defined as work for which there is neither immediate financial compensation (a wage or salary) nor deferred financial compensation (a pension);

- Includes both domestic work (household responsibilities, family responsibilities such as the care of children and the elderly) and volunteer work (for charities or in connection with social, cultural or sporting activities);

- Is performed by a high percentage of women in Luxembourg in comparison with other European Union countries;

- Is of considerable economic value nevertheless;

- Is performed primarily by women, as reflected by the fact that men devote three quarters of their working time to paid work whereas women devote only one third of their working time to paid work;

- Is performed primarily by women, as reflected by the fact that it is principally women that give up paid work in order to devote their time to responsibilities in the home. Family needs therefore have a greater impact on women's lives than on men's.

Problems

- A woman who keeps house is actively assisting her partner, in most cases by performing unpaid work.

- Women who perform unpaid work, like stay-at-home women, have no direct social-insurance or pension coverage.

- Women who perform unpaid work are financially dependent on their husbands.

- In the event of divorce, a woman who keeps house has no pension rights of her own.

Conclusions

It would be desirable:

- To recognize the value of unpaid work by accounting for it within the gross domestic product;

- To make unpaid work eligible for enrolment in social-insurance and pension plans;

- To adjust pension rights in order to take account of years devoted to bringing up children, in the case of all women regardless of whether or not they worked prior to having children (e.g., a child-rearing allowance);

- To divide up pension rights in the event of divorce;

- To make all possible forms of legal assistance available to women who keep house;

- To use statistical tools to determine the value of paid work and the true contribution made by women to the world economy.

See the study *Individualization in the social security system* [*Individualisation dans le système de la sécurité sociale*] prepared by the National Council of Women of Luxembourg (article 11, section 67).

29. Beijing+5

To conclude this chapter, the Government's intentions are presented below in regard to priority area 4 of the strategy-*cum*-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001).

Priority area 4: Violence

Women and girls are victims of physical, sexual and psychological violence regardless of their income levels, social class or upbringing. Violence towards women and girls occurs just as much within the family and the workplace as within the community and society. Acts of violence towards women constitute a violation of their fundamental rights, and hinder their personal development by limiting their access to resources. Such acts perpetuate inequality between the sexes.

- Adoption of a law on the removal from the family home of someone who commits an act of domestic violence;
- Campaigns to raise awareness and to eliminate violence against women and girls;
- Compiling of statistical data on acts of violence, broken down by sex;
- A programme to educate girls and boys in the schools and to raise their awareness regarding the equality of women and men;
- Compiling of statistical data on acts of sexual harassment, broken down by sex;
- Training for all players concerned.

Article 6. Exploitation of and traffic in women

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

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30. Assistance for prostitutes

The Red Cross operates a community drop-in centre for prostitutes and particularly vulnerable people, which provides professional health services and medical, psychological and social counselling and assistance.

Sex workers use the drop-in centre's premises to hold meetings, planning sessions, discussions and information seminars.

The topics discussed in sessions with the psychologist relate to sexual identity, drug use, sexual violence, reintegration within society, restoration of trust, mediation and self-determination. Thanks to the multidisciplinary approach used (a physician, a social worker, an educator, a psychologist, etc.) solutions can be found to many of the situations encountered.

31. Measures to combat traffic in human beings and the exploitation of children

Luxembourg has adopted the Law of 31 May 1999, with respect to (a) the strengthening of measures to combat traffic in human beings and the sexual exploitation of children, and (b) the amendment of the Penal Code and the Code of Criminal Procedure.

The following points are particularly noteworthy:

- Article 379 of the Penal Code, as amended, establishes two new acts as criminal offences: exploitation of a minor for purposes of prostitution or the production of pornographic material (article 379.2); and traffic in minors for purposes of exploitation (article 379.3).
- A new article 379 *bis* (in paragraph 1, sub-paragraph 2) provides for an additional aggravating circumstance in the case of abuse of a person who is particularly vulnerable by reason of having an illegal or uncertain administrative status, or pregnancy, or illness, or infirmity, or suffering from a physical or mental handicap.
- Article 384 of the new Penal Code establishes penalties for the possession of material of such a nature as to pertain to paedophilia.
- Article 5-1 of the Code of Criminal Procedure, as amended, extends the application of the national law of Luxembourg for certain offences committed on foreign soil by a national of Luxembourg or by a foreign national present in Luxembourg. The purpose of this new provision is to make it possible to prosecute offences relating to sex tourism.
- Article 48-1 of the new Code of Criminal Procedure provides for the sound recording or the audiovisual recording of evidence given by a minor or by a witness. This new provision will facilitate the giving of evidence by a person who has difficulty in expressing himself or herself before a normal proceeding, or in situations where it would be difficult for the person to appear before a proceeding at a later time (owing to therapy or the fact of residing outside the country) or where it would be inappropriate for the person to do so (victims of sexual abuse).

Overall, the Law of 31 May 1999 strengthens the penalties established under the Penal Code.

32. Debate in the Chamber of Deputies on traffic in women

On 20 September 2000, a debate on traffic in women took place in the Chamber of Deputies, after which a motion was adopted in regard to the following:

- The status of cabaret artists, entry visas and temporary work permits;
- Social protection for cabaret artists;
- Preventive measures;
- Possibilities for offering protection, reception services and assistance to victims of the traffic in human beings;
- The possibility of establishing legislation to protect victims;
- The Hague Declaration of 24 to 26 April 1997, which provides for the appointment of a national rapporteur for the fight against the traffic in women;
- Measures envisaged by the Government of Luxembourg to fight against the traffic in human beings;
- The policy for the issuing of visas by embassies;

- The existing legislation and necessary reforms.

The motions proposed are still being examined by the standing committees of the Chamber of Deputies.

Article 7. Political and public life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

33. Research centre on political participation by women in the 1999 elections, and the study entitled "Women and politics"

The research centre on political participation by women in the 1999 elections, which was set up in the autumn of 1998 by the National Council of Women of Luxembourg [Conseil National des Femmes Luxembourgeoises] (CNFL) with the financial assistance of the Ministry for the Advancement of Women, did an analysis of the participation of women overall and the participation of women at the level of the various political parties in three elections, the national and European elections held in June 1999 and the commune elections held in October 1999.

The analysis also looked at the various political programmes relating to the advancement of women in all areas and at all levels. The research centre then examined the results of the elections in detail and published them as statistical data.

In spite of the considerable efforts made by the Ministry for the Advancement of Women, and in spite of the many campaigns mounted by the National Council of Women of Luxembourg and the awareness-raising activities and initiatives of certain political parties, the *status quo* was only just barely maintained:

The old Chamber of Deputies (60 members):

- 11 women, or 18.3 per cent of the total;
- 4 candidates who had been members of the previous Government were re-elected.
- 7 women who were former members of the Chamber of Deputies were not re-elected.
- 4 women who were former members of the Chamber of Deputies were re-elected.

The new Chamber of Deputies (60 members):

- 12 women, or 20 per cent of the total, were elected directly.

Women elected: Results by political party						
Women elected directly	**ADR** Action Committee on Democracy and Pensions	**CSV** Christian-Social Party	**Déi Lenk** Communist Party	**Déi Greng** Green Party	**DP** Democratic Party	**LSAP** Socialist Party
1994	0	5	0	1	3	3
1999	0	5	0	1	4	2

Results by female members elected						
Female members	**ADR** Action Committee on Democracy and Pensions	**CSV** Christian-Social Party	**Déi Lenk** Communist Party	**Déi Greng** Green Party	**DP** Democratic Party	**LSAP** Socialist Party
1994	0	5	0	1	3	2
1999	0	3	0	1	3	3

(See the 1999 annual report of the Ministry for the Advancement of Women.)

34. The study entitled "Women and politics"

The aim of the study entitled "Women and politics" ["Les femmes et la politique"], which was carried out by the Gabriel Lippmann Centre for Public Research [Centre de Recherche Publique Gabriel Lippmann] in Luxembourg at the time of the legislative and commune elections in 1999, was to understand the political arena in the country. The study described the various women's political movements beginning with the discussions under way in regard to the exclusion of women, and then set out opinions on the subject of participation by women in political life and women's behaviour at election time.

The electoral system and the willingness to cast votes for candidates of different parties are deeply rooted in the country's political culture. Progress in voting women into office, however, comes about through the introduction of proportional voting in place of voting for individual candidates.

35. Women in decision-making in 1999 and 2000

Particularly worthy of note in this context are the consultation debate on the subject that took place in the Chamber of Deputies and the award given for the best implementation of gender equality policy by a commune.

35.1 Consultation debate on the participation of women in decision-making, 25 February 1999

This debate, which was devoted to women in the decision-making process, had the objective of promoting women's participation in decision-making (as a reference for this entire section, see the report of the Commission on Equality of Opportunity between Women and Men and on the Advancement of Women, parliamentary document 4498, Chamber of Deputies, 1998-99 regular session, dated 25 February 1999).

Excerpts from the foreword

Although women are far from participating sufficiently in the various areas of decision-making, they are gradually gaining ground. Nevertheless, it must be recognized that there is a re-emergence of old ways of thinking and old views on the sharing of responsibilities as a result of the way in which work is structured (working hours, mobility) and government measures that continue to promote the old ways.

There is no question that in order for a person to move up a career ladder and participate in decision-making, that person needs to have significant logistical and financial means available – which women do not yet have in sufficient abundance.

The lifestyle and role assigned to women in our society do not give them sufficient freedom to be able to function fully in the role of a decision-maker.

Attitudes, as we all know, change very slowly, and a large part of our society is not yet ready to accord women the place properly due to them, whether by reason of their numbers (52 per cent of the country's population is female, whilst only 48 per cent is male) or by reason of their skills and competence.

Women themselves, however, have to learn to defend their interests better and no longer to content themselves with the role that the male world wants to assign them. They have to establish and make use of the same relationships and networks as men do in order to be able to compete with them.

As well, the authorities have to offer women the possibility of becoming involved in the working world and in political life to the same extent as men. The key needs were identified long ago: adequate child-care services, school schedules that are adapted to work schedules, and continuing education programmes that are open to everyone. As long as these needs are left unfulfilled, women and men are not on an equal footing and there cannot be equal participation in decision-making.

Conclusions and recommendations

The Commission on Equality of Opportunity between Women and Men and on the Advancement of Women has made specific recommendations aimed at enhancing women's participation in political and economic decision-making.

Recommendations to the Government:

- From childhood young people must be taught that women and men are equal, and they must be prepared to take their place in a world where women and men participate in decision-making on an equal footing. Strengthened civic education that prepares young people for this gender equality from the post-primary education level onwards would be the appropriate means for achieving a society in which responsibilities are shared more equitably.

- The possibility should be explored of establishing limitations in regard to the lists of candidates put forward for elections, following the Belgian example, so that not more than two thirds of the candidates listed are of the same sex.

- Women need to be motivated to play a greater role in political and economic decision-making. Information and education constitute the foundations of such participation. Beyond this, women must have sufficient time available in order to become involved. This is why assistance must be provided for women in connection with their family life, to enable them to devote themselves to activities other than family responsibilities.

- A strategy is needed with a view to developing a national political plan for achieving equality of opportunity, focusing on education and training as well as economics and politics.

Recommendations to the Association of Cities and Communes of Luxembourg [Syndicat des villes et communes du Luxembourg] (Syvicol):

- There is a need for the sphere of application of the Commission's recommendations to be specified and for a preliminary assessment of the campaign for equality of opportunity to be done, for there is a risk that the campaign will go no further than the goodwill of a small number of local officials and statements of intentions.

- The Commission on Equality of Opportunity between Women and Men and on the Advancement of Women is unanimous in expressing its support for the establishment of a legal framework for developing a policy for the communes to promote the advancement of women.

Recommendations to the communes:

- The commission recommends that all political leaders in the communes make plans to establish an Advancement of Women Unit like those in Bettembourg and Sanem.

In addition, the Commission on Equality of Opportunity between Women and Men and on the Advancement of Women has forwarded copies of:

- The document "Action Plan 2000", i.e., the implementation of the declaration and platform for action adopted by the Fourth World Conference on Women organized by the United Nations in Beijing;

- The document "Position and demands of the National Council of Women of Luxembourg in view of the parliamentary debate of 3 March 1999 on women in decision-making" ["Prise de position et revendications du Conseil National des Femmes Luxembourgeoises en vue du débat parlementaire du 3 mars 1999 sur les femmes dans las prise de décision"].

35.2 Consultation debate on the topic "Women and the 1999 elections. Analysis and perspectives", 9 March 2000

The purpose of this debate was to examine women's participation in the legislative, European and commune elections conducted in 1999, and to devise ways in which greater representation by women could be achieved in political decision-making bodies (see the report of the Commission on Equality of Opportunity between Women and Men and on the Advancement of Women, parliamentary document 4610, Chamber of Deputies, 1999-2000 regular session, dated 9 March 2000).

The debate centred on the following questions:

- In comparison with past elections, have there been any significant changes?

- Was there an increase in the number of female candidates?

- Did the various political parties encourage their female militants to take a step towards greater participation in decision-making?

- Are women now better represented at the various levels of political decision-making than they were before, or is the opposite true?

Conclusions:

- The number of women engaged in political decision-making in Luxembourg still leaves something to be desired. In spite of the fact that more women stood as candidates for the legislative, European and commune elections held in 1999, the actual number of women in the Chamber of Deputies, in the Government, in the European Parliament and in the commune councils saw no positive change except at the commune level.

- Within the various political parties, women need to have the opportunity to play a greater role in political life. This is why any discussion of enhanced participation by women in the workings of politics must focus on the parties, and particularly on those parties which, for the three elections in 1999, fielded groups of candidates in which fewer than one third were women.

- Surveys clearly show that a solid majority of the population regards the situation as unsatisfactory. Public opinion would therefore favour enhanced participation by women in politics.

- This finding is borne out by the fact that 57 per cent of people interviewed by the Gabriel Lippmann Centre for Public Research and the Institute of Market Research and Opinion Surveys (ILReS) state that they are in favour of equal numbers of women and men being included on candidate lists. Of those 57 per cent, however, only 11 per cent would want such a requirement to be made mandatory by law.

- Amongst the general public, then, there is not only a will not to exclude half the population from political decision-making, but to include that half on a proportional basis.

- Looking at the matter further, it is very interesting to see that the higher a person's level of education, the less likely that person is to accept the idea of quotas.

- If people want women to play a more active role in political decision-making, and if a majority of the population seems to be in favour of there being equal numbers of women and men on candidate lists, then steps must be taken to ensure that women are able to reconcile their private/family life and their public/political life.

- In paragraph 4.7 of its report on the 1999 consultation debate on the participation of women in decision-making, the Commission set out the reasons why women are under-represented in political decision-making.

- One of the Commission's conclusions was that the general conditions for the organization of day-to-day life have to be conducive to women becoming involved. Structured child-care services operating on sufficiently flexible schedules are needed in order to facilitate political involvement. As well, it must be possible for political activities to take place at times of day that are compatible with family life.

The Commission recommended that a follow-up study be done to see what happens to the women elected in 1999.

Another need is for women and men to be educated and trained in equality. For some years, the Commission has been pointing out that the necessary training must be provided to women to enable them to play a greater role in decision-making within society. Such training has to begin at a very young age, in the home, and in early, preschool and primary education in keeping with the "Sharing equality" project (see article 10, section 50).

In addition, women need to have access to special training that will prepare them to take part in decision-making. Such training must be organized in such a way as to enable as many women as possible to take part. The Commission's demand that courses for women be decentralized applies equally to courses in political development.

With respect to tools for enhancing women's participation in political decision-making beyond courses in political development, the Commission identified the following possibilities:

1. Mentoring;
2. The offering of financial assistance commensurate with the number of women appearing on candidate lists, such assistance to be used to train and develop female candidates;
3. Making it mandatory for the communes to set up their own equal-opportunity commissions and to appoint equal-opportunity delegates;
4. Increasing cooperation between government authorities and women's organizations in regard to activities aimed at promoting women's involvement in decision-making;
5. Promoting participation by greater numbers of women within the Council of State.

1. Mentoring

Mentoring consists of seeing that women are systematically encouraged to take part in politics and receive support supported in connection with their political activities. Women often think that they lack the necessary skills to succeed in politics. A mentoring system can convince them otherwise. Thus, women who wish to take part in political decision-making can be introduced to the workings of politics and thus acquire the knowledge and confidence necessary to pursue a political career. Plainly, the success of a mentoring system will not be evident until a number of years have passed. It will ensure, however, that those women who do stand as candidates in elections will be willing to become fully involved in their political work.

2. Financial assistance

Offering financial assistance to the parties would be one way to encourage them to present more women on their candidate lists at election time. The amount of financial assistance provided would depend on the number of women on the list. This would parallel the approach that the country takes in the National Action Plan on Employment [Plan d'Action National pour l'Emploi], which is to favour the under-represented sex (see article 11, section 62 (i)). This financial assistance would be used to train and develop female candidates.

3. Equal-opportunity commissions in the communes

The Commission has pointed out that many communes have not yet established equal-opportunity commissions of their own. The Parliamentary Commission on Equality of Opportunity between Women and Men and on the Advancement of Women asks that the establishment of these commissions in the communes be made mandatory. This would certainly have a favourable impact on raising general awareness of the issue. Similarly, a post of equality delegate should be created in every commune. This would help to strengthen efforts aimed at guaranteeing equality of opportunity between women and men. Given that the survey conducted by the Gabriel Lippman Centre for Public Research and the ILReS showed that 67 per cent of the people questioned were unaware of the functions of an equality delegate, concrete actions are needed in this regard, particularly given that the work of an equality delegate would also help to enhance women's participation in political decision-making.

4. Women's organizations

Women's organizations do excellent work in encouraging more women to take part in the decision-making process. The Commission believes that the country's political parties and decision-makers should work more closely with these organizations in order to speed up the process of ensuring that satisfactory numbers of women become participants in political decision-making.

5. The Council of State

The Commission asks that the political parties, the Government and the Chamber of Deputies give preference to female candidates in making nominations for appointment to the Council of State. Indeed, as members of the Council of State are appointed rather than elected, ensuring that women are adequately represented should be relatively easy to achieve. It is up to those responsible for the appointments to see to it that more women are appointed to the Council of State, thereby ensuring that the interests of the 51 per cent of Luxembourg's population that are women are taken into account.

Over the years, four women have been appointed to the Council of State. The first was appointed in 1975, and she reached mandatory retirement age in 1999. Two women were appointed in 2000, and one in 2001.

35.3 Award for the best implementation of gender equality policy by a commune

This award, which was created in 2001, will be presented each year to the commune that gives evidence of having carried out exemplary activities in fostering the advancement of women and promoting equality between women and men. The commune to receive the award will be selected each year following a competition organized by the Ministry for the Advancement of Women, upon the recommendation of a panel consisting of representatives drawn from the Ministry for the Advancement of Women, from the Ministry of the Interior, from the Ministry of Cultural Affairs, Higher Education and Research and from the National Council of Women of Luxembourg.

The award was presented by the Minister for the Advancement of Women on 23 January 2002 to the authorities of the communes of Bettembourg and Sanem, before an audience of representatives of the communes' residents.

36. Commune policy to promote equality between women and men, 2000 to 2005

Thanks to an agreement concluded with the Ministry for the Advancement of Women, the National Council of Women of Luxembourg (CNFL) was able in September 1997 to hire a political-science graduate on a part-time basis to support the volunteer work being carried on by members of the CNFL's executive committee. The CNFI has encouraged and supported the efforts of the communes by undertaking a vast range of endeavours: organizing meetings twice a year of the communes' equal-opportunity organs; circulating invitations, documentation, etc. in regard to the activities of the communes' equal-opportunity organs; organizing conferences and round-table discussions; organizing training sessions; conducting surveys on the number of women participating on consultative committees; collaborating in the work of the research centre on political participation by women in the 1999 elections; engaging in lobbying activities (such as the planting of the Women's Forest [Fraebësch] in one of the northern communes); supporting local events in connection with International Women's Day; and so forth.

The Ministry for the Advancement of Women sends representatives to attend the semi-annual information meetings of the communes' equal-opportunity organs organized by the CNFL in those communes that have set up their own equal-opportunity commissions. The Ministry supports this network for circulating information, particularly in regard to best practices, amongst the communes' equal-opportunity organs, and finances training programmes for commune delegates.

Distribution of the communes' equal-opportunity organs

	1999	2000	2001
Communes that have named an equal-opportunity delegate from among the members of the commune's council	48	71	70
Communes that have set up a consultative commission on equality of opportunity for women and men	13	35	41
Communes that have established a service with paid professional staff	2	2*	2
Communes that have established at least one of the abovementioned equal-opportunity organs	58	83	87

* Several other communes are planning to establish a service in the near future.

37. Motions in support of *de facto* equality

37.1 The first motion adopted by the Chamber of Deputies on 15 March 2000

The members of the Chamber of Deputies invited the Government to continue its efforts in regard to political participation by women, in particular:

- By having a section on the specific experiences of women in public life prepared as a supplement to the study "Women and politics" prepared by the Gabriel Lippmann Centre for Public Research;
- By exploring the possibility of making the database prepared by the research centre on political participation by women, which contains information on women's participation in politics in Luxembourg since 1945, available to the public (on the Internet, for example).
- By undertaking to ensure that adequate funding is made available for these two organizations.

Acting in pursuance of the motion, the Ministry for the Advancement of Women assigned to the Gabriel Lippmann Centre for Public Research the task of preparing the study on elected representatives (see article 7, section 34). The data assembled by the research centre on public participation by women can be accessed on the Internet at the website <http://cnfl.lu>.

37.2 The second motion adopted by the Chamber of Deputies on 15 March 2000

The members of the Chamber of Deputies invited the Government to continue its efforts:

- To develop a policy on the advancement of women as agreed in the coalition accord and the Law of 12 February 1999 on the National Plan of Action;
- To base its actions on the recommendations and conclusions of the report presented by the Commission on Equality of Opportunity between Women and Men and on the Advancement of Women, which was adopted by a solid majority;
- To establish in this connection a permanent organ to perform ongoing analysis of the participation of women in political decision-making;
- To work to raise the awareness of the communes, and persuade them to establish their own equal-opportunity commissions and, where appropriate in the interests of synergy, a post of equality delegate.

(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

38. Distribution of civil servants by category and sex

The following table shows the distribution of women and men in the various Civil Service categories:

Distribution of civil servants by category and by sex, in 2001[5]

Occupational category	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Civil servants	7 846	4 559	12 405	63.2	36.8	100.0	80.0	53.2	67.5
General clerical staff	993	2 733	3 726	26.7	73.3	100.0	10.1	31.9	20.3
General service staff	964	1 278	2 242	43.0	57.0	100.0	9.8	14.9	12.2
Totals*	9 803	8 570	18 373	53.3	46.7	100.0	100.0	100.0	100.0

Source: State Employees Administration [Administration du Personnel de l'État] (APE)

* The totals include all civil servants, general clerical staff and general service staff, both full-time and part-time. The figures for civil servants include trainees, but not ministers of religion.

In addition to the regular staff of the Civil Service, account should be taken of those people who are seeking employment with the public service while working under a temporary public sector contract. As at February 2001, there were 688 people in this situation, of whom 60 per cent were women.

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[5] Figures as at August 2001.

38.1 Civil servants

Figures on different areas of the Civil Service show that the numbers of men and women are fairly well balanced in the Judiciary and in Education. However, women are substantially under-represented in the Public Security Forces (64 women versus 1,352 men) and the Customs Service (27 women versus 410 men).

Distribution of civil servants* by area and by sex, in 2001[1]

Area of the Civil Service	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
General Administration	3 368	1 339	4 707	71.6	28.4	100.0	42.9	29.4	37.9
Judiciary	78	87	165	47.3	52.7	100.0	1.0	1.9	1.3
Public Security Forces	1 352	64	1 416	95.5	4.5	100.0	17.2	1.4	11.4
Education	2 625	3 037	5 662	46.4	53.6	100.0	33.5	66.6	45.6
Special Functions	13	5	18	72.2	27.8	100.0	0.2	0.1	0.1
Customs Service	410	27	437	93.8	6.2	100.0	5.2	0.6	3.5
Totals	7 846	4 559	12 405	63.2	36.8	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

* Including trainees, but not ministers of religion

[1] Figures as at August 2001.

38.1.1 Civil servants employed on a full-time basis

Civil servants who work at least 40 hours a week are considered to be employed on a full-time basis.

Distribution of civil servants* employed on a full-time basis at all levels, by area and by sex, in 2001[1]

Area of the Civil Service	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
General Administration	3 343	1 011	4 354	76.8	23.2	100.0	42.9	26.5	37.5
Judiciary	78	87	165	47.3	52.7	100.0	1.0	2.3	1.4
Public Security Forces	1 349	51	1 400	96.4	3.6	100.0	17.3	1.3	12.1
Education	2 597	2 644	5 241	49.6	50.4	100.0	33.3	69.2	45.1
Special Functions	13	5	18	72.2	27.8	100.0	0.2	0.1	0.1
Customs Service	410	24	434	94.5	5.5	100.0	5.3	0.6	3.7
Totals	7 790	3 822	11 612	67.1	32.9	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

* Including trainees, but not ministers of religion

[1] Figures as at August 2001.

In the six areas of the Civil Service, the levels at which women predominate are different from those at which men predominate.

The General Administration

Just over half of the women working in the General Administration occupy middle-level posts (51 per cent). The other half is split between lower-level posts (35 per cent) and higher-level posts (14 per cent). Men are differently distributed across the three levels, occupying predominantly lower-level posts (49 per cent), with only one third in middle-level posts and 17 per cent in higher-level posts.

Distribution of civil servants* employed on a full-time basis in the General Administration, by level and by sex, in 2001[1]

	Numbers			Percentages across rows			Percentages down columns		
Level of posts	Men	Women	Total	Men	Women	Total	Men	Women	Total
Lower level	1 652	354	2 006	82.4	17.6	100.0	49.4	35.0	46.1
Middle level	1 124	519	1 643	68.4	31.6	100.0	33.6	51.3	37.7
Higher level	567	138	705	80.4	19.6	100.0	17.0	13.6	16.2
Totals	3 343	1 011	4 354	76.8	23.2	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

* Including trainees

[1] Figures as at August 2001.

The Judiciary

Overall, there is a fairly even balance of men and women in the Judiciary, although women are somewhat less well represented in the areas of Administrative Tribunal Judges and Prosecuting Magistrates (although in both areas they still account for at least one third of the staff). On the other hand, women are strongly represented in the area of District Tribunal Magistrates (accounting for 72 per cent of the staff).

It should be noted that there is frequent staff rotation within the Judiciary (sometimes every six months). Whether women are more strongly represented in one area or another is a matter of timing (except in the post of Attorney General).

Distribution of civil servants employed on a full-time basis in higher-level posts in the Judiciary, by sex, in 2001[1]

Higher-level posts	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
MCA	3	2	5	60.0	40.0	100.0	3.8	2.3	3.0
MCSJ	16	13	29	55.2	44.8	100.0	20.5	14.9	17.6
JP	12	15	27	44.4	55.6	100.0	15.4	17.2	16.4
MTAD	8	4	1	66.7	33.3	100.0	10.3	4.6	7.3
MP	22	12	34	64.7	35.3	100.0	28.2	13.8	20.6
MTA	16	41	57	28.1	71.9	100.0	20.5	47.1	34.5
PGE	1	0	1	100.0	0.0	100.0	1.3	0.0	0.6
Totals	78	87	165	47.3	52.7	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

[1] Figures as at August 2001.

Definitions

MCA	Administrative Court Judge [Magistrat de la Cour Administrative]
MCSJ	Superior Court Judge [Magistrat de la Cour Supérieure de Justice]
JP	Justice of the Peace [Juge de Paix]
MTAD	Administrative Tribunal Judge [Magistrat du Tribunal Administratif]
MP	Prosecuting Magistrate [Magistrat du Parquet]
MTA	District Tribunal Magistrate [Magistrat du Tribunal d'Arrondissement]
PGE	Attorney General [Procureur Général d'État]

The Public Security Forces

The Public Security Forces are almost entirely male, with only 3.6 per cent of the personnel being women. The Public Security Forces comprise traditionally male areas such as the army, the Gendarmerie and the police.

Distribution of civil servants* employed on a full-time basis in the Public Security Forces, by level and by sex, in 2001[1]

Level	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Lower level	68	0	68	100.0	0.0	100.0	5.0	0.0	4.9
Officer of the Public Security Forces	79	3	82	96.3	3.7	100.0	5.9	5.9	5.9
Non-commissioned Officer of the Public Security Forces	1 202	48	1 250	96.2	3.8	100.0	89.1	94.1	89.3
Totals	1 349	51	1 400	96.4	3.6	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

* Including military personnel

[1] Figures as at August 2001.

Education

In this area, women outnumber men slightly (2,644 women versus 2,597 men).

Looking at the various levels of posts, however, some differences become apparent between the sexes. In particular, there are relatively more women in middle-level posts (of which 73 per cent are occupied by women), and relatively fewer women in higher-level posts (of which 27 per cent are occupied by women). For men, the reverse is true: men occupy 46 per cent of middle-level posts and 53 per cent of higher-level posts.

Distribution of civil servants* employed on a full-time basis in Education, by level and by sex, in 2001[1]

Level of posts	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Lower level	20	4	24	83.3	16.7	100.0	0.8	0.2	0.5
Middle level	1 201	1 920	3 121	38.5	61.5	100.0	46.2	72.6	59.5
Higher level	1 376	720	2 096	65.6	34.4	100.0	53.0	27.2	40.0
Totals	2 597	2 644	5 241	49.6	50.4	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

* Including trainees

[1] Figures as at August 2001.

Special Functions

This area comprises the Auditor General [Président de la Cour des Comptes] and the 14 members of the Government. The latter group consists of 10 men and four women.

The Customs Service

As in the case of the Public Security Forces, women are heavily under-represented in the Customs Service, where only 4.6 per cent of the posts are held by women.

Distribution of civil servants* employed on a full-time basis in the Customs Service, by level and by sex, in 2001[1]

Level of posts	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Lower level	341	15	356	95.8	4.2	100.0	83.2	62.5	82.0
Middle level	69	9	78	88.5	11.5	100.0	16.8	37.5	18.0
Totals	410	24	434	94.5	5.5	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

* In the Customs Service, there are no higher-level posts. Figures include trainees.

[1] Figures as at August 2001.

38.1.2 Civil servants employed on a part-time basis

In the Civil Service, "part-time" does not have the same meaning as in the private sector. At present, there are only two work-schedule arrangements possible for civil servants and government employees: half-time and full-time.

In August 2001, 93.5 per cent of all civil servants were working full-time and 6.5 per cent part-time; and 16.5 per cent of female civil servants were working on a part-time basis, while only 0.7 per cent of male civil servants were doing so.

Proportion of civil servants employed on a part-time basis, by area and by sex, in 2001 (percentages)[1]

Area	Men	Women
General Administration	0.8	25.6
Judiciary	0.0	0.0
Public Security Forces	0.7	16.5
Education	1.1	13.1
Special Functions	0.0	0.0
Customs Service	0.0	11.1
Totals	0.7	16.5

Source: Ministry for the Civil Service

[1] Figures as at August 2001.

A part-time work schedule is found only in some areas of the Civil Service. It is most common in the General Administration (where 25 per cent of women work part-time), while in some other areas it does not exist at all.

The distribution of civil servants employed on a part-time basis shows that women are especially likely to adopt this arrangement.

Distribution of civil servants employed on a part-time basis at all levels, by area and by sex, in 2001[1]

Area of the Civil Service	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
General Administration	25	325	350	7.1	92.9	100.0	44.6	44.5	44.5
Judiciary	0	0	0	–	–	–	–	–	–
Public Security Forces	3	13	16	18.8	81.3	100.0	5.4	1.8	2.0
Education	28	393	421	6.6	93.4	100.0	50.0	53.3	53.1
Special Functions	0	0	0	–	–	–	–	–	–
Customs Service	0	3	3	0.0	100.0	100.0	0.0	0.4	0.4
Totals	56	737	793	7.1	92.9	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

[1] Figures as at August 2001.

In the General Administration, part-time employment is somewhat less common at higher levels (20 per cent of women in higher-level posts were working on a part-time basis, compared with 26 per cent of women overall in the General Administration). In Education, it is in middle-level posts that part-time employment among women is least common (11 per cent of women in middle-level posts were working on a part-time basis, compared with 13 per cent of women overall in Education). On the other hand, part-time employment is more common in Education in lower-level and higher-level posts (28 per cent and 18 per cent respectively of women at these levels).

Proportion of civil servants employed on a part-time basis, by area, by level and by sex, in 2001 (percentages)[1]

Area and level	Men	Women
General Administration		
Lower level	0.7	28.4
Middle level	0.9	25.0
Higher level	0.5	20.0
Total – General Administration	**0.8**	**25.6**
Education		
Lower level	0.0	28.4
Middle level	0.5	11.1
Higher level	1.6	18.3
Total – Education	**1.1**	**13.1**

Source: Ministry for the Civil Service

[1] Figures as at August 2001.

38.2 General clerical staff in the Civil Service

Women account for the majority of general clerical staff in the public sector – 73 per cent – and since such a large proportion of this category is female, part-time employment is well established: 42 per cent of general clerical posts are half-time posts, and 52 per cent of women work on a half-time basis.

Distribution of general clerical staff employed in the public sector in all types of posts, on a full-time or part-time basis, in 2001[1]

	Numbers			Percentages across rows			Percentages down columns		
Work schedule	Men	Women	Total	Men	Women	Total	Men	Women	Total
Full-time	824	1 317	2 141	38.5	61.5	100.0	83.0	48.2	57.5
Part-time	169	1 416	1 585	10.7	89.3	100.0	17.0	51.8	42.5
Totals	993	2 733	3 726	26.7	73.3	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

[1] Figures as at August 2001.

38.3 General service staff in the Civil Service

Amongst general service staff, the difference in numbers between men and women is smaller than in the rest of the Civil Service (57 per cent are women, and 43 per cent are men). Even though women account for the majority overall, however, it is only in the posts making up category A (home-making aides, workers' assistants and newspaper carriers) that they are strongly represented (98.6 per cent of the total). There are very few women in the other categories of posts.

Distribution of general service staff employed in the public sector, by type of post and by sex, in 2001[1]

Category of post	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
A	15	1 085	1 100	1.4	98.6	100.0	1.6	84.9	49.1
B	684	162	846	80.9	19.1	100.0	71.0	12.7	37.7
C	98	19	117	83.8	16.2	100.0	10.2	1.5	5.2
D	80	1	81	98.8	1.2	100.0	8.3	0.1	3.6
E	87	11	98	88.8	11.2	100.0	9.0	0.9	4.4
Totals	964	1 278	2 242	43.0	57.0	100.0	100.0	100.0	100.0

Source: Ministry for the Civil Service

[1] Figures as at August 2001.

Definitions

A	Home-making aides; workers' assistants; newspaper carriers
B	Kitchen aides; home-makers; labourers; postal sorting staff
C	Senior home-makers; kitchen staff (without CATP); craft-workers
D	Professional drivers; warehouse managers (with CATP)
E	Skilled workers (with CATP)

It is also in the posts making up category A that there is a high proportion of part-time employment: in August 2001, 80 per cent of female general service staff were employed on a half-time basis.

Proportion of general service staff in the public sector employed on a part-time basis, by category of post and by sex, in August 2001 (percentages)

Category of post	Men	Women
A	6.7	79.7
B	1.5	30.9
C	4.1	15.8
D	2.5	–
E	5.7	–

Source: Ministry for the Civil Service

38.4 Reform of the Civil Service Statute

The purpose of bill 4891, which was tabled on 19 December 2001, is to amend the Law of 16 April 1979, as amended, which sets forth the Civil Service Statute. Among the amendments proposed are a number of measures to promote equality of opportunity between women and men in the Civil Service, in particular:

1. Measures to help reconcile family life and work life; and
2. Measures relating to the appointment of gender equality delegates in the Civil Service.

With respect to the first of these areas, the measures proposed in the revised Civil Service Statute would benefit both men and women. The principal measures are described in paragraphs that follow.

1. Measures to help reconcile family life and work life

(i) Expanding the opportunity for employment on a part-time basis. This was one of the principal measures adopted as part of the Civil Service salary accord of 29 May 2000. Consequently, the Law of 28 July 2000 amended the Civil Service Statute as set forth in the Law of 16 April 1979, as amended, by making provision for part-time work equivalent to 25 per cent, 50 per cent or 75 per cent of a full-time post. Bill 4891 reaffirms the possibility of a civil servant working on a part-time basis, and establishes the specific terms and conditions applicable to such employment. Thus, under the bill, each area of the Civil Service (the General Administration, the Customs Service, etc.) may freely, according to its particular needs, organize the work schedule of each part-time staff member such that the staff member is off duty for a portion of each day, or a portion of each week or month or year.

In addition, the performance of a function on a part-time basis can only be considered if this is not contrary to the interests of the unit in question. The opinions of the administrative head, the staff representative or gender equality delegate, and the Minister for the Civil Service must be requested before the Minister responsible for the area in question makes a final decision.

Trainees and supervisory personnel are not eligible for employment on a part-time basis.

The number of staff members who may be employed on a part-time basis may not exceed 20 per cent of the posts in each area or 20 per cent of each category of posts. The purpose of this restriction is to ensure that functions are not spread too thinly, so that the proper functioning of the service is not jeopardized.

(ii) Full credit for 10 years' service in the case of leave without pay, leave for the purpose of converting to half-time employment, or service on a part-time basis for the purpose of caring for children under 15 years of age. This measure provides for full credit to be given for up to 10 years' service for purposes of salary and scale increases (including index adjustments) and for promotions, including the eligibility for promotion examinations.

(iii) Rehiring of women public servants obliged to resign prior to 1984 for the purpose of devoting themselves to rearing their children. The purpose of this measure is to remedy the situation of female public servants who, under the old legislation regarding leave without pay and leave for the purpose of converting to half-time employment, often found themselves obliged to resign from their posts in order to devote themselves to rearing their children. Resignation signifies the loss of employment, and a return to active service is only possible through a new competitive examination and a new training period: in other words, it means starting all over again. Given that in recent years a number of female civil servants have expressed their desire to return to work once their children have grown up, the new provision will allow them to return to their old jobs in their original areas. Thus, once they have undergone the requisite refresher training, their employment situation will be restored to what it was at the moment they resigned.

(iv) Establishment of a legal basis for telework. The Government believes that telework may be suitable both for serving the needs of the State as employer and for meeting certain aspirations of employees. Accordingly, the Government wishes to provide for the possibility of telework, albeit cautiously. The Government is especially concerned that the implementation of working practices that are new and unfamiliar should not go ahead at the expense of job security or equality of treatment, or the private life, health or rights of civil servants and State employees.

(v) Strengthening of civil servants' rights upon return to active service following leave, and affirmation of the right to return to work, where appropriate by transfer to another area of the Civil Service, by introducing new flexibility in the terms and conditions of the Law of 27 March 1986, as amended, concerning transfers between areas of the Civil Service.

(vi) The possibility of extending or shortening periods of leave of absence without pay or leave of absence for the purpose of converting to half-time employment, as applicable, without it being necessary for a statement of special circumstances to be reviewed by the Government-in-Council. The only factor taken into account in deciding on whether to extend or shorten such periods of leave of absence will be the interests of the service.

(vii) Refresher training for a civil servant following a period of leave without pay lasting more than two years. As a condition of returning to active service following a period of leave without pay lasting more than two years, a civil servant will be required to take refresher training programmes organized by the National Institute of Public Administration [Institut National d'Administration Publique] or by some other educational institution.

(viii) Leave for married couples for the purpose of converting to half-time employment. If two civil servants who are a married couple both wish to convert to half-time employment in order to raise their children, they may do so.

(ix) Periods of leave without pay and leave for the purpose of converting to half-time employment of less than one year's duration. To make for greater flexibility, periods of leave without pay and leave for the purpose of converting to half-time employment may in future be requested not only for periods consisting of whole years but also for periods consisting of whole months.

(x) Enhanced flexibility in the organization of work schedules. In connection with leave for the purpose of converting to half-time employment or part-time service, it will now be possible, if the requirements of the service permit, for the work schedule to be organized over part of a week or part of a month or part of a year.

2. Measures relating to the appointment of gender equality delegates in the Civil Service

One of the innovations contained in bill 4891 to amend the Civil Service Statute is **the introduction of equality delegates**.

The aim of this measure is to promote equality of opportunity and treatment between female and male civil servants, and to help improve the working atmosphere and strengthen the motivation of civil servants by eliminating any discontent resulting from discrimination.

Although in the public sector equality of access to the Civil Service is guaranteed by means of recruitment competitions, it is nevertheless true that protection from discrimination in working conditions and access to training is as essential to the public sector as it is to the private sector.

The function of an equality delegate is: to make proposals relating to any matters pertaining directly or indirectly to equality of treatment between women and men in the workplace (within the equality delegate's area of the Civil Service, or unit, or establishment), with particular reference to access to employment, occupational training and promotion, and remuneration and working conditions; to make proposals to the minister responsible regarding activities to raise the awareness of staff and measures aimed at promoting equality of opportunity between men and women; to conduct staff consultations in regard to all these issues; and to ensure respect for provisions to protect employees from sexual or on-the-job harassment in the context of working relations.

39. Beijing+5

The Government's intentions with respect to priority area 7 of the strategy-*cum*-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001) are outlined below.

Priority area 7: Decision-making

Equal participation by women and men in decision-making is not only a requirement of basic justice and democracy but must also be seen as an essential condition in order for women's interests to be taken into account. The unequal division of labour and family responsibilities in their private lives prevents women from finding the time to gain the necessary knowledge to permit them to take part in political and economic decision-making.

- Strengthening of support for promoting the policy of gender equality at the commune level; training programmes geared to women;
- Research on:
    - Successes and obstacles encountered by women and men in the carrying out of their political responsibilities (study to be done by the Gabriel Lippmann Public Research Centre [Centre de Recherche Publique Gabriel Lippmann]);
    - Participation by women in decision-making in the economic sphere (study to be done by the Centre for Population, Poverty and Socio-economic Policy Studies [Centre d'Études de Populations, de Pauvreté et de Politiques socio-économiques]);

- Training for equality delegates in private-sector enterprises;

- Support for career-development training for female employees of private-sector enterprises (positive actions);

- Consideration and raising of awareness in regard to the establishment of businesses by women.

Article 8. International representation

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

40. Activities of the Ministry for the Advancement of Women at the international level

The Ministry for the Advancement of Women represents the Government on the Council of Europe's Steering Committee for Equality between Women and Men in Strasbourg, and on the European Commission's Consultative Committee for the Equality of Women and Men in Brussels.

It is a member of the management committee for the implementation of the strategy-*cum*-framework and the programme of the European Commission for Equality between Men and Women (2001 to 2005).

It has taken part in the management committee for the Fourth Medium-term Union Action Programme on Equal Opportunity for Women and Men (1996 to 2000).

41. Conferences and meetings on gender equality

The Ministry for the Advancement of Women has participated in the following activities.

In the framework of the presidency of the Council of Ministers of the European Union:

- Conference of European ministers for the status of women, held in Belfast on 5 and 6 May 1998: "Employment opportunities for women and the importance of child care";

- Informal conference under the Austrian presidency, held in Innsbruck on 8 and 9 July 1998: "Improving equality of opportunity and strengthening equality objectives in the 1999 guidelines: the mainstreaming approach";

- Seminar held in Prague from 2 to 4 July 1998: "Equality of rights and opportunities between women and men";

- Follow-up conference on the platform for action adopted by the Fourth World Conference on Women, held in Madrid on 23 and 24 November 1998: "Mainstreaming";

- European conference, held in Vienna on 3 and 4 December 1998: "Fighting discrimination: directions for the future";

- European conference on violence against women, held in Cologne on 29 and 30 March 1999,

- European conference held in Paris from 15 to 17 April 1999: "Women and men in power, a society of solidarity, a dynamic economy, a European ambition";
- Informal meeting of ministers responsible for equality between women and men, held in Berlin on 14 and 15 June 1999;
- Conference organized by the presidency of the European Union, held in Helsinki on 29 and 30 September 1999: "Equality of opportunity and employment policy" (see the 1999 annual report of the Ministry for the Advancement of Women);
- Conference of ministers responsible for equality between women and men, held in Paris on 27 October 2000;
- Conference closing the European campaign, held in Lisbon from 4 to 6 May 2000: "Zero tolerance for violence against women" (see the 2000 annual report of the Ministry for the Advancement of Women).

In the framework of the Council of Europe:

- Conference organized to mark the fiftieth anniversary of the Council of Europe, held in Athens from 16 to 18 September 1999: "An integrated approach for equality between women and men: an opportunity for the twenty-first century" (see the 1999 annual report of the Ministry for the Advancement of Women);
- Conference on domestic violence, held in Cyprus from 26 to 30 November 2000 (see the 2000 annual report of the Ministry for the Advancement of Women).

In the framework of the United Nations:

- Preparatory conference for the special session of the United Nations General Assembly, held in New York on 3 March 2000: "Women 2000: gender equality, development and peace for the twenty-first century" (see the 2000 annual report of the Ministry for the Advancement of Women);
- Beijing+5 United Nations conference, held in New York on 5 June 2000: "Women 2000: gender equality, development and peace for the twenty-first century" (see the 2000 annual report of the Ministry for the Advancement of Women).

In the framework of the International Organization of la Francophonie:

- Meeting held in Gabon from 6 to 12 December 1999, in preparation for the Conference of Women of la Francophonie on the theme "Women, power and development", scheduled for 4 and 5 February 2000;
- Conference of Women of la Francophonie, held in Luxembourg on 4 and 5 February 2000: "Women, power and development" (see article 3, section 11).

42. Women's representation in decision-making bodies at the international level

Women participate at the international level on equal footing with men. Decisions regarding Luxembourg's representation within Europe and at the international level are made on the basis of competence, not sex.

Women's representation in the decision-making bodies of the Foreign Ministry is as follows:

Representation of women in the Foreign Ministry

Level		**Numbers**
Policy-making	Foreign Ministry headquarters	
Supervisory	Ambassadors; Directors	32 posts, 3 occupied by women
Diplomatic corps		74 posts, 19 occupied by women

Source: Foreign Ministry

The fact that women have accounted for a growing proportion of new recruits for the diplomatic service in recent years means that, over time, women will be better represented in the decision-making bodies of the Foreign Ministry.

43. Luxembourg's development cooperation projects relating to the advancement of women

The Luxembourg Cooperation Service accords special importance to the advancement of women in many of its bilateral and other projects, especially in health and education. Equality issues always receive particular attention during project identification and preparation.

In addition, the Law of 6 January 1996 provides that enhancement of the status of women is one of the areas of activity in developing countries where the Development Cooperation Fund can play a role. Furthermore, when an approved non-governmental organization submits a programme or project, the Minister may award in it, within the limits of available budgetary resources, Coe financing or a full grant up to an intervention ceiling of 300 per cent of the NGO's financial contribution to the programme or project.

In addition to the projects financed by the Luxembourg Cooperation Service, the Political Affairs Directorate of the Foreign Ministry provide assistance for a number of projects aimed at advancing women's rights.

43.1 Bilateral projects

(i) Mali: Functional literacy and advancement of women in peri-urban areas of Bamako: Lassa district

Since January 1998, the Grand Duchy has been financing a bilateral project in Mali for the comprehensive advancement of groups of illiterate women in peri-urban areas by means of a programme of literacy, occupational training, and social and health education.

This project has now entered its second phase and Luxembourg is providing financing in the amount of 793,000 euros. The planned duration of the project is from October 2000 to September 2003. The aim of the project is to help improve living and working conditions for 300 disadvantaged women and girls (ranging in age from 15 to 45 years), to enable them to participate fully in the country's development process, to strengthen their decision-making capacity and to implement the national policy for the advancement of women.

The principal activities that will be carried out in order to bring about a qualitative change in the life of these women are the construction of a training and production centre, the installation of water systems, functional literacy training focused on practical subjects (health, environment, farming, livestock raising, market gardening, management, etc.), support for income-generating activities (and the granting of small loans to finance micro-enterprises operated by women) and the installation of grain mills to lighten the task of pounding grain.

The second phase of the project will stress the development of the self-management capabilities of the women's cooperative established in the first phase so as to enable the women in Lassa to manage all the activities set up under the project. The project team from the National Directorate of Functional Literacy and Applied Linguistics (DNAFLA), which is the executing agency for the project, will leave Lassa during the consolidation phase as the beneficiary group becomes self-sufficient.

(ii) Mali: Functional literacy and support for initiatives for the development of women and young people in the Missabougou district of Bamako

The agreement covering this project was signed by the Grand Duchy and the Republic of Mali in January 2001, for a term of five years. The financial contribution provided by Luxembourg will be in the amount of 2,038,000 euros. The project calls for the following activities to be carried out:

- Building and fitting out a multi-purpose training centre (mechanics, carpentry, masonry, plumbing, electricity, dyeing, sewing) to provide vocational training for 1,000 people, comprising 325 young women, 325 young men, 200 newly-literate women, and 150 members of the cooperative (who may or may not be able to read and write);
- Establishing a savings-and-loan organization;
- Providing a source of potable water;
- Fitting out the health centre and stocking it with essential medications;
- Cleaning up the neighbourhood;
- Carrying out activities in support of market gardening;
- Building a kindergarten;
- Carrying out a programme of functional literacy and multi-sector awareness-raising.

(iii) Rwanda: Rehabilitation and rural development project in Bugesera

The bilateral agreement for a rehabilitation and rural development project in Bugesera was signed in January 2000. The project focuses on activities to be carried out in the Bugesera region south-east of Kigali, one of the regions hardest hit by the 1994 genocide. The project is centred on those segments of the population that are the most disadvantaged both in the region and in Rwanda as a whole, namely young people and women. Although the project is concerned primarily with agriculture, it also has a strong focus on training and on the population's socio-economic recovery.

With respect to the project's first area of activity, it will help to reactivate the Mayangé training centre, which is concerned principally with farming and includes a farm which will make it possible for the training centre to become self-financing. Under the project, 150 young people (both girls and boys) will receive agricultural training suited to the difficult conditions of the Bugesera region.

With respect to the second area of activity, the project will support the Benimpuhwe Women's Association. This organization is made up of repatriated women, most of them widows, who have settled in the village of Ririma and take in orphans to live with them. There are about 180 such families. Although the main focus will be on farming (provision of the initial wherewithal to get established, plus training), the project will go beyond that by undertaking some efforts in the areas of primary and secondary education; and it will also include activities focusing on literacy and small-scale production.

The project's two areas of activity are linked by the fact that 50 agricultural promoters will be trained specifically (both at the Mayangé training centre and at Ririma) for the purpose of transferring their knowledge and know-how to their respective agricultural promotion groups (each comprising 15 to 20 farmers); as a result, they will function not only as agricultural promoters but also as social promoters in general. The multiplier effect will enable the 50 agricultural promoters to reach some 750 farmers in the Bugesera region.

Luxembourg's financial contribution is in the amount of 75 million Luxembourg francs, or 1,859,201.436 euros over a period of three years (from 2000 to 2003).

43.2 Multilateral projects

Budgetary contributions to UNIFEM

Luxembourg's contributions to the budgetary resources of the United Nations Development Fund for Women (UNIFEM) are constantly increasing. In 2001, they rose to 20 million Luxembourg francs (495,787 euros) from 18 million Luxembourg francs in 2000 and 16 million Luxembourg francs in 1999.

UNIFEM: Peace and security programme

In 2001, Luxembourg decided to contribute US$ 1 million to the UNIFEM peace and security programme. Luxembourg believes strongly in the importance of UNIFEM's work in general, and believes that the peace and security programme in particular will further the advancement of women in countries affected by conflict and in situations of building and maintaining peace.

UNFPA: Project to support Afghan women

In 2001, Luxembourg contributed US$ 4.5 million to the project of the United Nations Population Fund (UNFPA) to support Afghan women both in Afghanistan itself and in neighbouring countries, specifically in the areas of pre- and post-natal health, psychological support and family planning.

Mali: Support for basic education for girls and women in northern regions (Gao, Tombouctou, Kidal)

This project, which seeks to introduce a culture of peace at the level of basic education, forms part of the Ten-year Education Programme. The project has been approved for the period 1999 to 2003, and will help to establish education systems that are better suited to the needs of communities in northern Mali whilst promoting equal access to education for girls and women.

This is a combined multilateral-bilateral project with the United Nations Development Programme (UNDP). The total project cost is US$ 6.3 million, and Luxembourg's contribution is US$ 500,000.

43.3 Cofinanced projects of non-governmental organizations

During the period covered by this report, the Foreign Ministry cofinanced several projects of non-governmental organizations concerned with the advancement of women.

In 1998

- "Aide à l'Enfance de l'Inde": support for a women's resource centre; Tamil Nadu, India; project completed. Total cost: 1,628,264 Luxembourg francs. Foreign Ministry share: 1,085,401 Luxembourg francs.

- "Pro Niños Pobres": training for delegates from 60 women's organizations; Santiago, Chile; project completed. Total cost: 1,963,314 Luxembourg francs. Foreign Ministry share: 1,308,876 Luxembourg francs.

- "SOS Faim": a three-year programme of activities for the Benin Centre for the Development of Basic Initiatives (CBDIBA), advancement-of-women component; Benin; project completed in the 1998 financial year. Total cost: 7,895,637 Luxembourg francs. Foreign Ministry share: 2,692,939 Luxembourg francs.

In 1999

- "Action Solidarité Tiers Monde": women in the process of community development; Lima, Peru; project completed. Total cost: 3,167,654 Luxembourg francs. Foreign Ministry share: 2,096,488 Luxembourg francs.

- "Eng Breck mat Latainamerika": establishment and consolidation of the Peruvian Federation of Women; project completed. Total cost: 6,002,836 Luxembourg francs. Foreign Ministry share: 3,961,872 Luxembourg francs.

- "Chiles Kinder": establishment of a revolving fund and provision of support for the Fortaleza de Mujer Ltda women's cooperative; project completed. Total cost: 2,664,545 Luxembourg francs. Foreign Ministry share: 1,998,409 Luxembourg francs.

- "Frères des Hommes": training of women promoters and women's groups (CBDIBA), and exchange of South/South experiences; project completed. Total cost: 444,734 Luxembourg francs. Foreign Ministry share: 333,550 Luxembourg francs.

- "Aide à l'Enfance de l'Inde": establishment of a rehabilitation centre for child prostitutes; Mumbai, India; project completed. Total cost: 6,717,904 Luxembourg francs. Foreign Ministry share: 5,038,429 Luxembourg francs.

- "Aide à l'Enfance de l'Inde": programme for ecological development and the organization of cooperatives and women's groups in 13 Koya villages, phase I and phase II (two separate projects); Andhra Pradesh, India; project completed. Total cost: 858,596 Luxembourg francs. Foreign Ministry share: 643,947 Luxembourg francs.

- "Aide à l'Enfance de l'Inde": programme for ecological development and the organization of cooperatives and women's groups; Andhra Pradesh, India; project completed. Total cost: 727,974 Luxembourg francs. Foreign Ministry share: 484,248 Luxembourg francs.

- "Pharmaciens sans Frontières, Éducation sans Frontières": Pune, India; project completed. Total cost: 726,379 Luxembourg francs. Foreign Ministry share: 484,253 Luxembourg francs.

- "Zena Bih": programme to provide shelter for female victims of domestic violence; Mostar, Bosnia and Herzegovina. Foreign Ministry share: 1,500,000 Luxembourg francs.

In 2000

- "Chiles Kinder": re-equipping of the Clotario Blest school kitchen in preparation for vocational training in cooking; Huechuraba, Chile; project completed. Total cost: 372,536 Luxembourg francs. Foreign Ministry share: 248,357 Luxembourg francs.

- "Aide à l'Enfance de l'Inde": women's awareness-raising and health programme; Mustang, Nepal; project completed. Total cost: 1,010,797 Luxembourg francs. Foreign Ministry share: 673,838 Luxembourg francs.

- "Zena Bih": programme to provide shelter for female victims of domestic violence; Mostar, Bosnia and Herzegovina. Foreign Ministry share: 1,000,000 Luxembourg francs.

- "Kharkiv Centre for Women's Studies": programme for the advancement of women's rights; Ukraine. Foreign Ministry share: 2,000,000 Luxembourg francs.

In 2001

- "Chrëschte Mam Sahel": construction and fitting out of a centre for the advancement of women; Obala, Cameroon; project completed. Total cost: 613,050 Luxembourg francs. Foreign Ministry share: 408,904 Luxembourg francs.

- "Zena Bih": programme to provide shelter for female victims of domestic violence; Mostar, Bosnia and Herzegovina. Foreign Ministry share: 25,000 euros.

- "Kharkiv Centre for Women's Studies": programme for the advancement of women's rights; Ukraine. Foreign Ministry share: 12,400 euros.

- "Femmes Africa Solidarité": establishment of women's solidarity networks throughout Africa. Foreign Ministry share: 20,056 euros.

44. Beijing+5

To conclude this chapter, the Government's intentions with respect to priority area 7 of the strategy-cum-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001) are outlined below.

Armed conflict and ethnic and religious strife bring in their wake serious violations of women's fundamental rights, particularly in the form of murder, torture, systematic rape and abuse.

- Enhancement of the role of women in planning and conflict resolution;

- Encouragement for participation by women in the exercise of power and in decision-making, so as to achieve a more equitable sharing of the power that is the guarantor of democracy.

Article 9. Nationality

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her at the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Specific information on the legislation currently in force was provided in the first report pursuant to the Convention on the Elimination of All Forms of Discrimination against Women.

When the first report and the third periodic report were considered in February 1998, no observations were expressed by the Committee on the Elimination of Discrimination against Women concerning the information provided in respect of article 9.

45. The Law of 24 July 2001, with respect to Luxembourg nationality

Bill 4743 to amend the Law of 22 February 1968 was adopted by the Chamber of Deputies on 4 July 2001.

The aim of the new legislation is to simplify and streamline the naturalization process, particularly by:

- Reducing the required period of residency in Luxembourg from 10 years to five;
- Harmonizing the rules regarding the obtaining of Luxembourg nationality by naturalization and by option;
- Harmonizing the procedures for making applications for the obtaining of Luxembourg nationality by naturalization and by option;
- Removing the ceiling of 25 years of age for voluntary declarations for the purpose of obtaining Luxembourg nationality, so that such declarations may be made at any moment during a person's lifetime once that person has attained the age of 18 years and met the other applicable legal requirements; and making the procedure for obtaining Luxembourg nationality by option free of charge.

However, the following will also be required:

- An adequate active and passive knowledge of at least one of the three languages stipulated pursuant to the Law of 24 February 1984 with respect to the language regime; and, if the applicant had no knowledge of the Luxembourgian language (Letzeburgesch), evidence in the form of a certificate that the applicant has taken courses in that language.

Article 10. Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

The Ministry of National Education, Occupational Training and Sport has budgetary resources available to recognize teaching staff and experts responsible for implementing specific projects relating to equality of opportunity between women and men in secondary schools.

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

46. Access to the initial level of education, and results

Girls' access to the various levels of education is equal to boys'.

46.1 Primary school education

In primary school education, the proportion of boys having learning difficulties is higher than that of girls.

In the decelerated classes provided for pupils with learning difficulties, which teach the first and second years of school over a period of three years, the enrolment for 1999-2000 comprised 43 per cent girls and 57 per cent boys.

In the special classes organized for pupils with learning difficulties at the primary school level, the breakdown is almost exactly the same: 42 per cent girls and 58 per cent boys.

46.2 Secondary school education – general

In general secondary school education, there are about 10 per cent more girls than boys.

Total students in general secondary school education

Year	Boys	Percentage	Girls	Percentage
1994-95	3 699	46.1	4 333	53.9
1995-96	3 765	45.2	4 570	54.8
1996-97	3 792	45.3	4 582	54.7
1997-98	3 746	44.9	4 594	55.1
1998-99	3 765	45.3	4 548	54.7
1999-2000	4 306	44.7	5 335	55.3

Source: Ministry of National Education and Occupational Training

46.3 Secondary school education – technical

In technical secondary school education, there are about 5 per cent fewer girls than boys.

Total students in technical secondary school education

Year	Boys	Percentage	Girls	Percentage
1994-95	8 885	53.5	7 710	46.5
1995-96	9 558	52.7	8 571	47.3
1996-97	9 962	52.4	9 058	47.6
1997-98	10 487	52.3	9 552	47.7
1998-99	10 883	52.4	9 880	47.6
1999-2000	10 950	52.2	10 012	47.8

Source: Ministry of National Education and Occupational Training

Overall, girls do better than boys at school, but this does not translate into greater success in working life.

Analysis of examination results beyond the primary school education level reveals that the success rate for girls is higher than the rate for boys. The table that follows shows the results of the secondary school final examinations.

Results of secondary school final examinations

Year	Boys passing	Percentage	Girls passing	Percentage
1993-94	315	89.5	436	90.3
1994-95	366	84.7	453	85.8
1995-96	413	87.3	457	87.7
1996-97	387	83.2	517	87.8
1997-98	468	82.5	564	88.1
1998-99	394	85.1	577	88.4
1999-2000	416	83.0	543	88.4

Source: Ministry of National Education and Occupational Training

One often hears it said that girls find mathematics more difficult than boys, and that this is the reason why there are fewer girls in scientific and technical education programmes. To see whether this was true, the Ministry of National Education, Occupational Training and Sport did a brief analysis of girls' and boys' performance in key subjects in the lower years of both secondary school education and technical secondary school education. The findings are summarized in the tables that follow.

Failing marks in languages and in mathematics in the lower years of secondary school education, 1998-99			
Year	**Subject**	**Girls receiving a failing mark (percentage)**	**Boys receiving a failing mark (percentage)**
7	Mathematics	12.7	10.0
	French	10.0	13.8
	German	5.2	7.7
6 – Modern	Mathematics	13.0	15.9
	French	10.7	20.6
	German	3.8	6.6
	English	6.2	11.9
6 – Traditional	Mathematics	3.0	1.7
	French	1.5	2.6
	German	1.5	3.4
	Latin	3.7	1.7
5 – Modern	Mathematics	25.2	23.5
	French	17.6	25.9
	German	3.5	6.0
	English	9.5	16.4
5 – Traditional	Mathematics	4.8	7.8
	French	1.8	3.4
	German	0.0	0.8
	English	3.0	1.7
	Latin	3.0	0.8

Source: Ministry of National Education and Occupational Training

Failing marks in languages and in mathematics in the lower years of technical secondary school education, 1998-99

Year	Subject	Girls receiving a failing mark (percentage)	Boys receiving a failing mark (percentage)
7	Mathematics	19.2	18.1
	French	16.4	25.1
	German	12.4	16.8
8 – Theoretical	Mathematics	21.7	21.7
	French	16.1	24.0
	German	7.1	12.3
	English	12.8	16.8
8 – Comprehensive	Mathematics	29.2	24.9
	Language 1	8.8	14.2
	Language 2	21.6	32.0
9 – Theoretical	Mathematics	19.3	20.6
	French	14.7	22.2
	German	7.9	12.5
	English	15.2	23.4
9 – Comprehensive	Mathematics	19.0	20.5
	Language 1	3.9	10.6
	Language 2	11.6	25.6
9 – Practical	Mathematics	11.2	7.8
	French	8.5	16.0
	German	5.8	10.6

Source: Ministry of National Education and Occupational Training

In both secondary school education and technical secondary school education, the number of failing marks in mathematics obtained by girls does not differ significantly from the number obtained by boys. On the other hand, the data do confirm that boys have greater difficulty in learning languages.

Clearly, this analysis of academic results based on failing marks is not thoroughgoing enough to explain the differences between girls and boys in regard to learning, knowledge and preferences.

Nevertheless, analyses of this kind are an important tool for eliminating prejudices and stereotypes.

46.4 Apprenticeship

The statistics cited below come from the two organizations involved in this area, namely the Association of Private Sector Employees [Chambre des employés privés] (CEPL) and the Federation of Skilled Trades [Chambre des métiers].

- **Association of Private Sector Employees**

Together with the corresponding employers' association, the Association of Private Sector Employees monitors apprenticeships in commercial, industrial and craft industries for apprentices subject to legal provisions governing private sector employees.

Women account for 62 per cent of the apprentices registered with the CEPL. For both men and women, the most attractive area is sales (35 per cent of the men and 61 per cent of the women).

Women outnumber men in nearly every area in which apprenticeship training is available apart from storeskeeper, cook and the industrial trades.

Distribution of apprentices covered by a training apprenticeship in the year 2000-01

	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Training leading to the CATP[6]									
Industry									
Industrial and maintenance mechanic	37	0	37	100.0	0.0	100.0	10.1	0.0	3.8
Factory mechanic	10	1	11	90.9	9.1	100.0	2.7	0.2	1.1
Aircraft mechanic	12	0	12	100.0	0.0	100.0	3.3	0.0	1.2
Electronics technician for the energy industry	35	0	35	100.0	0.0	100.0	9.5	0.0	3.6
Building designer	47	14	61	77.0	23.0	100.0	12.8	2.3	6.2
Commerce									
Salesperson	110	272	382	28.8	71.2	100.0	29.9	44.6	39.1
Stores-keeper	6	3	9	66.7	33.3	100.0	1.6	0.5	0.9
Counter clerk	15	65	80	18.8	81.3	100.0	4.1	10.7	8.2
Decorator – displays	1	7	8	12.5	87.5	100.0	0.3	1.1	0.8
Decorator – advertising	2	7	9	22.2	77.8	100.0	0.5	1.1	0.9
Administrative and commercial clerical worker	39	127	166	23.5	76.5	100.0	10.6	10.8	17.0
Hospitality services									
Cook	14	2	16	87.5	12.5	100.0	3.8	0.3	1.6
Server	4	7	11	36.4	63.6	100.0	1.1	1.1	1.1
Training leading to the CITP[7]									
Commerce – Salesperson	20	103	123	16.3	83.7	100.0	5.4	16.9	12.6
Hospitality services									
Cook	14	0	14	100.0	0.0	100.0	3.8	0.0	1.4
Server	2	2	4	50.0	50.0	100.0	0.5	0.3	0.4
Totals	368	610	978	37.6	62.4	100.0	100.0	100.0	100.0

Source: Association of Private Sector Employees (CEPL), 2000-01

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[6] CATP: Certificate of Technical and Vocational Aptitude [Certificat d'aptitude technique et professionnelle], obtained following three years of practical and theoretical apprenticeship.

[7] CITP: Certificate of Technical and Vocational Initiation [Certificat d'initiation technique et professionnelle], obtained following the first year of practical and theoretical apprenticeship. (Alternatively, apprentices having difficulties in school and others may complete this first-year qualification over a period of two school years.

- **Federation of Skilled Trades**

Women are not strongly represented in the apprenticeships offered by the Federation of Skilled Trades: in 2000, women accounted for only 27 per cent of registrations (down from 30 per cent in 1996). The fact that the training programmes offered are in traditionally male areas goes some way towards explaining this under-representation, while in the areas of fashion and health, women are strongly represented (90 per cent of those registered).

Distribution of apprentices registered with the Federation of Skilled Trades, by area of training and by sex, 2000-01

Occupational group	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Food	35	14	49	71.4	28.6	100.0	4.0	4.3	4.1
Fashion and health	30	273	303	9.9	90.1	100.0	3.4	84.3	25.3
Mechanical goods and services	296	4	300	98.7	1.3	100.0	33.9	1.2	25.1
Construction and finishing	422	9	431	97.9	2.1	100.0	48.3	2.8	36.0
Professional trades	57	19	76	75.0	25.0	100.0	6.5	5.9	6.3
Miscellaneous trades	33	5	38	86.8	13.2	100.0	3.8	1.5	3.2
Totals	368	610	978	37.6	62.4	100.0	100.0	100.0	100.0

Source: Federation of Skilled Trades

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

47. Scholastic and occupational orientation

In so far as access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality are concerned, there are no observations to make.

However, the occupational orientation of girls still leads towards traditional areas, thereby resulting in some occupational segregation (see article 11, section 62 (j)).

The scholastic and occupational choices made by girls and boys are different.

In general secondary school education girls are over-represented in the humanities, whereas in technical secondary school education they are over-represented in those areas concerned with services.

Subject areas concerned with the sciences and industrial and craft technology are still chosen principally by boys.

Scholastic choices have repercussions on occupational choices. Consequently, there are more women employed in the services sector, while men are more likely to be employed in industry and manufacturing.

47.1 Secondary school education – traditional

The following table shows the distribution of students by sex and by stream (humanities versus sciences) in the comprehensive years of secondary school education (fourth and third years prior to secondary school completion).

Fourth year	**Humanities stream**		**Sciences stream**	
	Girls	**Boys**	**Girls**	**Boys**
1994-95	241 72.4 per cent	92 27.6 per cent	483 49.7 per cent	489 50.3 per cent
1995-96	206 73.6 per cent	74 26.4 percent	531 53.3 per cent	466 46.7 percent
1996-97	154 73.0 per cent	57 27.0 per cent	546 50.2 per cent	541 49.8 per cent
1997-98	151 69.9 per cent	65 30.1 per cent	570 52.1 per cent	524 47.9 per cent
1998-99	174 73.1 per cent	64 26.9 per cent	534 47.8 per cent	583 52.2 per cent
1999-2000	146 70.5 per cent	61 29.5 per cent	630 53.0 per cent	558 47.0 per cent

Source: Ministry of National Education and Occupational Training

- Science courses attract significantly more students – both girls and boys – than do humanities courses.
- Science courses have roughly the same numbers of girls and boys.
- In humanities courses, girls heavily outnumber boys.

Students' choices of subjects in the specialization years of secondary school education (second year prior to secondary school completion and final year) are shown in the following table.

Second year, 1999-2000: Enrolment in subject areas, by sex														
Subject area	*A1*	%	*A2*	%	B	%	C	%	D	%	*E*	%	*F*	%
Boys	26	19	109	46	107	77	126	45	128	51	24	23	13	48
Girls	111	71	130	54	32	23	157	55	123	49	82	77	14	52

Source: Ministry of National Education and Occupational Training

Humanities stream

A1	modern languages
A2	social sciences
E	art
F	music

Sciences stream

B	mathematics – physical sciences
C	mathematics – natural sciences
D	mathematics – economics

- More students take science courses.
- Overall, more girls take humanities courses and girls are over-represented in them, particularly in subject areas A1 and E (see below).
- In science courses, there are roughly the same numbers of girls and boys enrolled in subject areas C and D, but girls are significantly under-represented in subject area B (see below).

47.2 Technical secondary school education

Technical secondary school education is subdivided into three schemes:

- the technical scheme;
- the technologist training scheme;
- the vocational scheme (apprenticeships).

The distribution by sex amongst the various schemes in the middle years is shown in the tables that follow.

(a) Technical scheme, 1999-2000: Tenth year			
Section	**Percentage of girls**	**Percentage of boys**	**Total enrolment**
Administrative and commercial	61.4	38.6	448
General technical	31.1	68.9	286
Paramedical and social	84.8	15.2	348

Source: Ministry of National Education and Occupational Training

(b) Technologist training scheme, 1999-2000: Tenth year			
Division	**Percentage of girls**	**Percentage of boys**	**Total enrolment**
Agriculture	23.3	76.7	43
Artistic	69.9	30.1	73
Civil engineering	32.9	67.1	70
Chemistry	73.7	26.3	19
Administrative and commercial	69.0	31.0	378
Applied electrics	3.8	96.2	132
Information technology	4.4	95.6	92
Hospitality industry	57.1	42.9	28
Mechanics	3.6	96.4	56

Source: Ministry of National Education and Occupational Training

(c) Vocational scheme, 1998-99					
Apprenticeship	**Girls**	**Girls as a percentage**	**Boys**	**Boys as a percentage**	**Total**
Full-time	546	31.8	1 170	68.1	1 716
Part-time	957	40.4	1 409	59.5	2 366
Totals	1 503	36.8	2 579	63.1	4 082

Source: Ministry of National Education and Occupational Training

There is an uneven distribution of girls and boys across the various schemes into which technical secondary school education is divided. Girls enrol mainly in the technical scheme, whereas boys are over-represented in the vocational scheme and the technologist training scheme.

Within the technical scheme, girls are over-represented in the administrative and commercial section, and especially in the paramedical and social section. Boys predominate in the general technical section.

In the technologist training scheme, girls are over-represented in the artistic division, in the administrative and commercial division, in the hospitality industry division and in the chemistry division, whereas boys predominate in the other divisions. Fewer than five per cent of the students enrolled in the applied electrics division, the information technology division and the mechanics division are girls.

Girls are under-represented in the vocational scheme, where there are nearly twice as many boys as girls.

In some full-time apprenticeship programmes, all of the students enrolled are boys; in other apprenticeship training programmes – care aide, commerce and home-maker – most of the students enrolled are girls. In technical fields (mechanics, electrics and carpentry), boys predominate.

In those apprenticeship training programmes that follow the German system, combining training in the school with training in private firms, about 40 per cent of those enrolled are girls. Again, the segregation is stark: girls are enrolled chiefly in sales and hairdressing, and severely under-represented in technical fields.

47.3 Boys and girls, and information and communication technologies

The various studies[8] conducted by the Ministry of National Education to determine the extent to which information and communication technologies (ICTs) have been incorporated into education show that there is no difference between girls and boys in this regard.

Girls seem to show less interest in ICTs. Very few girls opt for the new training programmes (information technology technician, and the Certificate of technical and vocational aptitude in information technology) offered in the information technology field.

Those interviewed have been unanimous in stating that, overall, boys are more interested in ICTs.

Girls and boys do not use ICTs in the same way. Girls are drawn more towards creative fields whereas boys are drawn more towards scientific fields. Girls and boys also demonstrate different preferences so far as the Internet is concerned. Girls are much more interested in the Internet's interactive potential.

To diversify girls' occupational choices, a number of awareness-raising activities have been conducted:

- An awareness-raising activity on the theme "A bright future for a woman: becoming an industrial engineer" was conducted in cooperation with the Higher Institute of Technology [Institut Supérieur de Technologie], the School Psychology and Guidance Service [Services de Psychologie et d'Orientation Scolaires] and the Vocational Training Service [Service de la Formation Professionnelle].
- "Women, and science and technology": The purpose of this project is to give young people, both boys and girls, a chance to learn about the important contributions made by women in the fields of science and technology, and to help diversify the academic and occupational choices that girls and women make. A key component of this activity is the exhibition entitled "The other half of science", which the European Commission has made available to member states. Additional material to supplement the exhibition has been prepared, consisting of information on Luxembourg women in the fields of science and technology and an instructional brochure for making use of the exhibition in the schools.
- The activities carried out within the framework of the "Sharing equality" project are also relevant in this connection (see article 10, section 50).

A study is currently being prepared to provide more information on the situation and future occupations of girls in technical secondary school education.

The segregation by subject area evident in the training and employment chosen by women continues in their education and development throughout their lives. Women enrol principally in courses relating to languages, administration, social sciences and information technology, which prepare them for employment and advancement in these areas.

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[8] For example: (a) "ICT and the quality of learning", case studies on the success of introducing new technologies in secondary school education in Luxembourg; case study No 1: Athénée de Luxembourg (see <http://www.script.men.lu/activinno/ict_etude_ocde_athenee.phtml>); and (b) "ICT and the quality of learning", case studies on the success of introducing new technologies in secondary school education in Luxembourg; case study No 2: Lycée Technique Nic. Biever, Dudelange (see <http://www.script.men.lu/activinno/ict_etude_ocde_ltnb.phtml>).

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this game and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

48. Elimination of stereotypes, and training and development of instructors

A practical guide entitled "Respecting equality and enhancing diversity through education and training" has been prepared by the Ministry of National Education, Occupational Training and Sport. The guide focuses on the fundamental role played by teachers and instructors in eliminating stereotypes. Key questions relating to conduct, lifestyles, the working world and society are examined so as to facilitate a critical analysis of textbooks and school programmes.

To respect equality and enhance diversity, education and training programmes must avoid propagating stereotypical images of people. The aim is to promote the potential of women and men equally and to develop new ways to do this. Consequently, the role of key players in the world of education and training is critical in order to ensure that stereotypes are not passed on, to enhance diversity and to derive the fullest possible benefit from coeducation and multiculturalism.

Education and training that shun all stereotypical images must be based on the sensitivity and open-mindedness of those who teach.

Specifically,

- Inequalities by reason of sex or cultural or social differences must be acknowledged;
- The origins of such differences and inequalities must be examined;
- Educators and instructors must understand their own roles and recognize the stereotypical images that they have learned and absorbed during their lives;
- Account must be taken of these differences and inequalities in teaching, and students must be offered the opportunity of developing individually without being bound by traditional roles.

On the subject of maintaining a gender perspective, a publication entitled "Gender mainstreaming, a guide for promoters of projects at the national and European levels" has been prepared on the basis of a European project in which the Ministry of National Education, Occupational Training and Sport, the Ministry for the Advancement of Women and the Employment Administration were involved.

So far as the needs of secondary school education and technical secondary school education (for the 2001-02 school year) are concerned, priority is being given to those training activities that support a differentiated educational approach.

In regard to the ongoing development of teaching staff, seminars have been set up on the subject of integrating the gender perspective and training courses on ICTs have been organized. Some of the ICT courses have been restricted to female teaching staff, and these have been greatly in demand. They are taught by a female instructor who has adapted her teaching methods to serve the needs of women who wish to acquaint themselves with ICTs.

49. Fem-Training-Net

This is a project carried out by the Ministry of National Education, Occupational Training and Sport, in collaboration with the Ministry for the Advancement of Women, the Ministry of Labour and Employment, and the Employment Administration under the European Leonardo da Vinci programme.

The principal objective of Luxembourg's project was to set up and bring into operation a network of individuals concerned with training, education and equality of opportunity.

The purpose of the network was to serve as a platform for cooperation, common reflection, and ongoing training and development for those taking part, who were representatives of ministries and government agencies.

The project's instigators envisaged a tool whereby the quality and quantity of the information, training and opportunities available for girls and women might be improved through the dissemination of information, the raising of awareness, cooperation, networking and the training and development of additional participants in other ministries and associations active in this area. At the same time, they were trying to set up a network of equal-opportunity correspondents in post-primary schools and institutions; and they offered assistance for the development of pilot projects in the framework of national and European programmes and organized joint activities (seminars, project visits) with multinational partners.

The paragraphs that follow outline the results of the project, which was concluded in February 2001.

- "Gender mainstreaming, integrating the gender dimension" ["Gender mainstreaming, intégration de la dimension du genre"], a guide for project and programme managers prepared under the Leonardo da Vinci programme; Fem-Training-Net: The concept of gender mainstreaming is based on acknowledging the differences between the sexes and analysing those differences in some depth. For example, because of the differences between them, women and men often develop different interests, needs and ways of communicating. The aim of gender mainstreaming is to institute changes in regard to awareness and structures, such as by changing organizational structures and forms of representation that lie at the root of disparities and discrimination based on sex. Equality between women and men will be achieved if both sexes are involved to the same extent in private and family life, in work life and in political and social life, with the same rights and responsibilities. The concept of gender mainstreaming is set out in the form of 10 guidelines for programme managers and 25 guidelines for project managers. These guidelines may be grouped into eight general areas as follows:
    - It is important to ensure that experts in equal-opportunity issues take part;
    - A holistic approach specifically adapted to different target groups implies that a variety of different methods and approaches must be used;
    - The complexity of women's life situations must be taken into account;
    - This does not mean giving up on actions to advance women;
    - When groups are set up, they should have approximately equal numbers of men and women;
    - There must be active encouragement for changing roles and developing personal and professional perspectives;
    - Language should be used that is not sexist and not discriminatory with regard to women;

  - The gender perspective must be taken into account in research and analysis.

- "How to present women and men in educational materials in such a way as to respect their dignity, take advantage of all their abilities, and avoid reproducing stereotypes?" ["Comment présenter les femmes et les hommes (1) en respectant leur dignité, (2) en valorisant toutes les compétences, (3) en évitant le reproduction de stéréotypes?"], a practical guide prepared by Fem-Training-Net under the Leonardo da Vinci programme: This guide was prepared by the managers of the Women's Training Network project, and was inspired by a guide produced by the Ministry of Education of Austria. The guide is intended: for everyone who designs programmes, develops instructional materials or chooses textbooks; for students, parents and participants in ongoing training and development programmes; and for everyone who teaches children, young people or adults. The guide urges that instructional materials be analysed from three standpoints:

  - Quantitative criteria as to numbers of men and women, and of other social groups;

  - Qualitative criteria as to the roles assigned to women and men, and to other social groups;

  - Language that reflects the gender perspective.

- A survey of the promoters of Luxembourg's Fem-Training-Net project on needs for action concerning training and equality of opportunity, carried out in collaboration with Austrian partners under the European Leonardo da Vinci programme.

- "Job-hunting for women" ["Femmes à la recherche d'un emploi"], a brochure that offer suggestions on how to go about finding a job. It includes information on assistance available from the Employment Administration and on training courses.

50. "Sharing equality" ["Partageons l'égalité" – "Gläichheet deelen" – "Gleichheit teilen"]

Within the framework of the Fourth Union Medium-term Action Programme on Equal Opportunity for Women and Men (1996 to 2001), the Ministry for the Advancement of Women launched the "Sharing equality" project. The project was conceived in the wake of the Fourth World Conference on Women held in Beijing, as one of the tools for implementing within Luxembourg the action plan that had been adopted at the Conference. The funding that the European Commission was providing for the project ceased on 30 June 2001, when the Fourth Union Programme came to an end. The project will continue at the national level.

The project has two focuses, which have been designated "Equality in education" and "Equality in training and development".

It will be recalled that the objectives of the project are as follows:

- To achieve *de facto* equality between women and men, whilst respecting the differences between the sexes;

- To change the roles of women and men.

The methodological approach used is that of gender pedagogy, which is based on the following precepts:

- Relationships between the sexes are not immutable;

- The roles ascribed to the sexes are constantly evolving;
- Their roles have been structured as the result of a historical process, under the influence of social factors;
- Their roles are the product of our culture, which gives more power to one sex than to the other.

The integration of the concept of equality between women and men in the attitudes of all members of our society is something that must start in earliest childhood, if we want boys and girls to grow into men and women who will enjoy an equitable environment in their work life.

The project's objectives are twofold. It aims to establish the proper foundations so that equality becomes given from the outset, right from the level of preschool education, and then it pursues its mission by means of educational activities carried out amongst those who are fully engaged in the process of preparing for an occupation.

The second focus of the project centres on the effort to change attitudes in the working world. A programme concerned with equality in training and development is being organized, to be offered to those in charge of training programmes, to those who have a key role in managing the human resources of companies of all sizes, and to union representatives, particularly equality delegates in private firms.

50.1 Training and development programmes

In June 2001, the Ministry for the Advancement of Women organized a seminar entitled "Train the trainer in gender", for trainers.

A group of gender experts prepared a basic module for ongoing training and development focusing on gender issues. Based on both theory and practice, this training programme enables teaching staff to examine their own teaching methods and to meet the specific learning needs of both men and women.

The module was taught for the first time as part of an ongoing training programme during the period from January to June 2001. Twelve people took part, including five men.

The topics covered in this ongoing training programme include, *inter alia*:

- The role of women and the role of men;
- Learning differences between women and men;
- Incorporation of the gender perspective, and positive actions;
- The policy of equality between women and men.

The method consists of raising awareness in regard to the stereotypes which everyone has acquired through socialization and continues to propagate unconsciously. This raising of awareness serves to bolster self-examination in relation to teaching practices.

Those taking part in this first session were people active in economic affairs, one member of a company's board of directors and people responsible for ongoing training and development. Follow-up of this first group continued into 2002.

A second session began in the autumn of 2001. Those taking part are involved in training programmes and in social affairs and policy-making.

As part of the project, the Confederation of Independent Trade Unions of Luxembourg [Confédération Syndicale Indépendante du Luxembourg] (OGB-L) and the Confederation of Christian Trade Unions of Luxembourg [Confédération Luxembourgeoise des Syndicats Chrétiens] (LCGB) have developed a training module for equality delegates in companies.

In addition, the Ministry for the Advancement of Women has worked with the LCGB on a training programme for equality delegates in private firms.

The national and sector networks of gender equality delegates set up by the OGB-L and the LCGB constitute platforms from which to promote the development of a culture of equality within enterprises. They facilitate the rapid circulation of information and the dissemination of examples of best practices in regard to gender equality.

As part of a training programme for information technology instructors organized by the Association of Private Sector Employees [Chambre des Employés Privés] (CEPL), the Ministry for the Advancement of Women offered a training module on the application of gender pedagogy. Fourteen people took the training (12 men and two women).

The course "How girls' and boys' develop their personalities ", originally devised for teachers in the city of Luxembourg, has been made part of the city's ongoing training programme. It deals with the incorporation of a gender perspective in the day-to-day work of preschool and primary school teachers.

The female teachers participating in the project since it was launched in 1996 have continued to meet regularly to exchange experiences and information about best practices. As well, they have continued their work in preparing instructional materials.

50.2 Conferences and seminars

- Within the context of raising awareness in regard to gender issues, Dr Hannelore Faulstich-Wieland of Hamburg, Germany, gave a talk on the subject "Children develop, and become girls and boys". This talk, open to the general public, took place on 10 May 2001, and was attended by about 100 people. It was organized by the Ministry for the Advancement of Women, the Institute for Studies in Education and Society [Institut d'Études Éducatives et Sociales] (IEES) and CID-Femmes.

- On 11 May 2001, in conjunction with the seminar "The importance of sex roles in education and training", Dr Faulstich-Wieland gave two presentations at the IEES for teachers and instructors, followed by workshops, on the topics "The development of sexual identity during childhood, adolescence, adulthood and old age" and "The role of educational institutions in developing identity: are their alternatives?". The seminar was attended by about 50 people.

- On 10 November 2001, a seminar on the topic "Education and teaching in a changing world. The close link between theory and practice in the development of identity" was conducted, with Their Royal Highnesses the Grand Duke and the Grand Duchess in attendance. The seminar was attended by 160 people.

50.3 Research

The institutions concerned with education and research – that is, the Institute for Studies in Education and Society (IEES) and the Higher Institute of Pedagogical Studies and Research [Institut Supérieur d'Études et de Recherches Pédagogiques] (ISERP) – have set up working and consultation groups in preparation for research on the subject "The importance of the gender dimension in the personal and professional development of teaching and socio-educational personnel". The research project was launched on 15 November 2001 when the Ministry for the Advancement of Women hired an independent researcher on contract. A research team reporting to the Ministry for the Advancement of Women and consisting of two representatives each from the IEES, the ISERP and the University of Luxembourg [Centre Universitaire du Luxembourg] are guiding the research project and participating in it.

50.4 Outputs

The project's outputs reflect the diversity of the activities undertaken. Clearly, the impact of the project has been heightened thanks to the strong cooperation provided at the European level.

- Awareness-raising brochures, prepared in German and French;
- A brochure on the strategy utilized in the project, prepared in French (with an accompanying CD-ROM);
- Studies in the field of German language education, carried out by the Charlotte Bühler Institute for Research on Early Childhood in Vienna:
    - Geschlechtssensible Pädagogik in der Vorschule: Erfahrungen und Einstellungen der Lehrerinnnen / Projektjahr 1996/1997
      Experiences and points of view of women preschool teachers
    - Geschlechtssensible Pädagogik in der Vorschule: Momentaufnahmen vom Spielverhalten von Mädchen und Jungen / Projektjahr 1997/1998
      Comments on behaviour observed in preschool children at play
    - Geschlechtssensible Pädagogik in der Vorschule: Veränderungen im Spoielverhalten von Mädchen und Jungen / Projektjahr 1998/1999
      Changes in behaviour with respect to preschool children at play
    - Geslechtssensible Pädagogik in der Vorschule: Evalutionen / Projektjahr 1999/2000
- Publications
    - Basic module on the theme "Train the trainer in gender"
    - Geschlechtssensible Pädagogik im Kindergarten: Praxisberichte aus Österreich
    - Geschlechtssensible Pädagogik in der Vorschule
    - Story and teaching kit (gender pedagogy at the preschool level): "The shining princess and the frightened knight", with video-cassette in Luxembourgian (Letzeburgesch), French, German and Portuguese

- Teaching kit: "Mother's Day, Father's Day, Parents' Day" (gender pedagogy at the kindergarten level, examples of Austrian best practices)

51. The gender dimension in the personal and professional development of teaching and socio-educational personnel

The study "The importance of the gender dimension in the personal and professional development of teaching and socio-educational personnel" will be carried out by the Ministry for the Advancement of Women in collaboration with the Institute for Studies in Education and Society (in Fentange and Livange), the Higher Institute of Pedagogical Studies and Research (in Walferdange) and the Department of Education of the University of Luxembourg (in the city of Luxembourg).

Although it is true that progress has been made towards achieving equality between men and women through the course of the twentieth century (as evidenced in particular by an improvement in access to jobs and a narrowing of the gap in the subject matter studied), it is nevertheless true that implicit theories in regard to the roles of the two sexes are widespread in our day-to-day actions and behaviour.

In this context, it is essential to recognize the fundamental role that may be played by the educational practices of those who are active in the socio-educational sphere – that is, teachers, instructors, educators and education graduates. These educational practices may be regarded as inescapable corollaries deriving from the creation of perceptions *vis-à-vis* those persons taking part.

Perceptions, whether they explicitly or implicitly guide individual actions, are created as a result of societal pressures that lead the individual into a certain way of thinking that reflects his or her immediate surroundings.

Clearly, then, education and the values that underpin it play an essential role in the acquisition of occupational skills.

51.1 Objectives

The aim of the research project is to study the construction, deconstruction and reconstruction of personal and professional gender identities amongst people in the target groups with reference to the following:

- Current perceptions, images and associations with respect to gender roles in general, and with respect to the individual in particular;
- The justifications and theories implicit in these patterns and images;
- The socialization and education contexts associated with these patterns and images;
- Perspectives on the future, visions, ideals, etc.

It becomes clear that, in order to be able to situate the results thus obtained within a proper context, certain selected elements of each educational institution's structure must be examined.

In short, an empirical database on the content, forms, manifestations and origins of perceptions is needed, so that it can be used as a basis to underpin the gender dimension in programmes of educational and social study in Luxembourg.

The project will also support the establishment of a network amongst the various partners involved, and further the work already undertaken by the IEES in regard to the training of trainers.

51.2 Overall structure of research activities

In principle, the target groups for the studies to be carried out are made up of everyone in Luxembourg who is currently enrolled in or has previously been enrolled in courses of study in education (pedagogical training) and society (including those who have studied abroad in the case of professional teachers), as well as everyone who is a teacher of these courses of study.

Accordingly, the target groups comprise:

- Students and trainees enrolled in courses of study in: primary school teacher training and training in early and preschool education, graduate studies for educators, and teacher training for secondary school education and technical secondary school education;
- Teachers currently in active service;
- Teachers employed in this area by the three institutions.

As at 1 January 2002, enrolment at the three institutions was as follows:

- 708 students at the Institute for Studies in Education and Society;
- 393 students at the Higher Institute of Pedagogical Studies;
- 243 students at the University of Luxembourg.

As there are several thousand teachers in active service, it will be essential for proper sampling techniques to be used to ensure meaningful results are obtained.

(d) The same opportunities to benefit from scholarships and other study grants;

52. Scholarships

Access to scholarships and study grants is open equally to everyone regardless of sex.

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

53. Adult education and training for the unemployed

In regard to adult education, the following legal texts should be noted:

- The Law of 19 July 1999, which set up the Adult Training Service [Service de la formation des adultes] and established provisions governing the Luxembourg Language Centre [Centre de langues Luxembourg];

- The Regulations of 31 March 2000 issued by order of the Grand Duke, which established the terms and conditions of contracts for adult courses and laid down requirements governing quality certification and financial assistance.

Access to adult education and lifelong learning programmes is open equally to everyone regardless of sex.

In regard to training for people who are seeking jobs or wish to re-enter the labour force, training courses are offered by:

- The National Centre for Ongoing Occupational Training [Centre national de formation professionnelle continue];

- Organizations, companies and commune services.

In recent years, overall enrolment in training programmes has been on the rise. In the context of the implementation of the National Action Plan on Employment, the Ministry of National Education, Occupational Training and Sport will be carrying out a further survey to provide fuller quantitative and qualitative information on the availability of training programmes.

In addition, at the same time as the rate of employment among women is growing, participation by women in continuing education and lifelong learning is also increasing (see also chapter 8 in connection with article 11 on employment). Thus, women's participation in continuing education and lifelong training courses is closely tied to women's employment.

In the Civil Service Training Institute, women's participation rate in the following areas is above average:

- In methodology (organization, management, communication, introduction), the women's participation rate is 51 per cent;

- In office systems and microcomputers, the women's participation rate is 43 per cent.

Given that the average participation rate is 38 per cent, women's participation rate substantially exceeds this.

Both the Framework-Law of 22 June 1999 concerning ongoing occupational training and the legislation concerning collective agreements incorporate the gender dimension with respect to equality of opportunity between women and men with specific reference to access to employment and ongoing training. As these reforms are fairly recent, information regarding their impact on actual participation by women is not yet available.

In the area of adult education, no statistics broken down by sex are available regarding the many courses offered by the Ministry of National Education, the communes and organizations.

For some years, the Adult Education Service [Service de l'Éducation des Adultes] has been helping communes and organizations to offer beginners' courses for women in computer science and the Internet.

In the area of training for those who are looking for a job or wish to re-enter the labour force, the number of training providers, the number of training programmes available and the number of participants have all increased in the past few years.

In order to increase the employment rate among women, training programmes for women who are looking for a job or wish to re-enter the labour force after interrupting their careers for family reasons are one of the priorities of the National Action Plan on Employment and of the Ministry of National Education, Occupational Training and Sport.

In cooperation with the Employment Administration and women's organizations, various activities have been carried out for the purpose of:

- Diversifying the occupational choices for women who are seeking work;
- Encouraging women to take training in the area of information and communication technologies (ICTs);
- Expanding the variety of training programmes available;
- Encouraging women to take advantage of all available resources, including those that until now have been used primarily by men;
- Promoting adult apprenticeships amongst women;
- Raising the awareness of training and counselling staff in regard to the gender perspective;
- Investigating and developing supplementary training programmes relating to a specific job;
- Promoting the certification of training programmes.

The Ministry of National Education, Occupational Training and Sport has concluded cooperation agreements with agencies that offer training courses for women only. These agreements provide for certificates recognizing the training to be issued by the Ministry. The certification process requires:

- A detailed training syllabus, reviewed by the Vocational Training Service;
- A statement of the assessment criteria and methods to be used, reviewed by the Vocational Training Service;
- A formal assessment of what the students have learned.

The certificates are issued by the Ministry of National Education, Occupational Training and Sport, and signed by the Director of Occupational Training.

The training courses that are offered to women only, and the courses in which most of the students are women, prepare students for employment in the following areas:

- Office equipment operator, office clerk, receptionist, call centre employee, modern office communications, instructor in computer applications, banking, socio-cultural interlocutor, health aide;
- Mother's aide, personal care aide, child-minder, domestic employee;

- Salesperson, CITP[9] in sales, production and sale of fruits and vegetables, supermarket employee, salesperson of specialized goods.

To assist women who are looking for work, a guidebook has been prepared by the Employment Administration and by the Ministry of National Education, Occupational Training and Sport.

On the subject of adult apprenticeships, see article 11, paragraph 65.3.

Once again, it should be noted that access to literacy programmes is open to everyone regardless of sex.

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

54. Premature school-leaving

The Ministry of National Education, Occupational Training and Sport is making reforms aimed at reducing the drop-out rate in Luxembourg's school system, focusing particularly on the areas of school guidance, certification activities and the training and participation opportunities offered to students with learning difficulties. These actions relate to girls and boys alike. However, it should be noted that girls have a higher success rate in school than boys do and that fewer girls drop out. The following are some examples of efforts to be undertaken pursuant to the National Action Plans; and, to be sure, they are not gender-specific.

- The transition is being made from a school guidance system based on failure to one based on a realistic assessment of the student's aptitudes and responsible education options. In 2000, the Psychology and School Guidance Centre [Centre de psychologie et d'orientation scolaires] continued to pursue its efforts to promote improved school guidance methods. Its activities lie in two areas: promoting the concepts of options in education and encouraging ongoing training of school guidance staff;

- Certain reforms are being made in the area of certification, in particular incentives for training in manual skills and socio-vocational activities (the Certificate of Technical and Vocational Initiation (CITP) and the Manual Training Certificate [Certificat de capacité manuelle]), and the introduction of a new national certificate to recognize the successful completion of the middle years of technical secondary school education;

- By ensuring close cooperation between technical secondary school education (preparatory scheme) and the National Centre for Ongoing Occupational Training [Centre national de formation professionnelle continue], the Ministry of National Education, Occupational Training and Sport is endeavouring to open up new training and participation opportunities for students with learning difficulties. The plan is to provide a fresh start for young people who have been excluded from the school system or who have completed their mandatory schooling but are not advancing to the preparatory scheme, specifically in the following areas:

    - Providing a transition to active working life for those 15 to 18 years of age;

    - Providing those over 18 years of age with the opportunity to take further training;

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[9] CITP: Certificate of technical and vocational initiation [Certificat d'initiation technique et professionnelle], obtained following the first year of practical and theoretical apprenticeship. (Alternatively, apprentices having difficulties in school and others may complete this first-year qualification over a period of two school years.)

- Beginning with the 2001-02 school year, a second period has been provided for writing final examinations for secondary school education and technical secondary school education;

- In view of the very high failure rate in technical secondary school education in Year 10 (which is the first year of the middle years), and particularly in the technician training programme, the possibility of having people who enrol in this programme first take a CATP-type training programme is under study;

- Efforts are being increased in regard to academic and occupational guidance, consisting in particular of:

    - Establishing an academic and occupational guidance system that takes into account both the students' economic needs and their desires and aptitudes;

    - Doing an update every two years of the study "The qualifications needed for the jobs of tomorrow", prepared jointly by the Luxembourg Federation of Industry [Fédération des industriels luxembourgeois], the Chamber of Commerce and the Employment Administration;

    - Planning similar studies for other sectors of the economy;

    - Promoting education options for students 12 to 15 years of age;

    - Providing students with better information about apprenticeship programmes;

    - Providing teaching staff who serve as school guidance and occupational counsellors with better information about the working world;

    - Increasing the numbers of staff assigned to school guidance and occupation counselling services;

    - Providing additional funding for the preparation of informational and instructional materials about the different kinds of employment available;

- Systems for producing detailed statistics on education and training in Luxembourg will be upgraded so that the impact can be better measured of the various actions being taken to reduce the number of school drop-outs. Specifically,

    - A legal basis will be established for setting up and operating a centralized student information database concerned primarily with student assessment;

    - The findings of the survey conducted under the Programme for International Student Assessment, which became available at the end of 2001, will be incorporated in reform projects with a view to reducing the incidence of failing marks;

    - Use will be made of the findings of a targeted survey of young people who have completed their mandatory schooling and left the school system without holding any particular qualification;

    - Provision will be made for hiring additional staff to assess education reforms and school success and failure;

- The preparatory scheme as it is currently organized will be evaluated, now that it has been in operation for six years, with a view to developing specific proposals to reform the modular system and the preparatory scheme.

(g) The same opportunities to participate actively in sports and physical education;

55. Participation in sports and physical education

In primary and secondary school education, girls and boys have the same opportunities to participate actively in sports training and in extra-curricular sports activities.

For both primary school education and technical secondary school education, the law provides that sports education is to be organized on a coeducational basis. For traditional secondary school education, the law provides for girls and boys to the separated for their sports education classes.

In practice, most courses are organized on a coeducational basis. For organizational or pedagogical reasons, however, schools beyond the primary education level have the option of conducting separate sports education classes for girls and boys.

Within the various sporting federations, it can be seen that there are significant differences between the numbers of males and females registered. Indeed, there are only four sporting federations in which there are more females registered as active competitors than males: equestrian sports, gymnastics, swimming and volleyball. By and large, there is a higher proportion of females registered for recreational purposes (50 per cent each for both females and males) than as active competitors (19 per cent females versus 81 per cent males). The fact that the number of participants registered for recreational purposes is fairly evenly split is attributable to the large number of females registered in gymnastics.

Numbers of registrations with sporting federations as at 1 January 2000

Federations	Registered as active competitors			Registered for recreational purposes			Youth registrations	Managers	Judges-referees	Trainers	Total registered	Number of clubs
	Male	Female	Total	Male	Female	Total						
Aeronautics	672	42	714	412	40	452		90	58	50	1 364	30
Mountain climbing (*)			0			0				3	370	
[illegible]	200	160	360			0		12		47	419	38
Martial arts	1 932	812	2 744	246	121	367		(96)	(37)	(45)	3 111	48
Track and field	944	581	1 525	178	42	220	919		180		1 925	21
Cars and car driving	136	6	14			0		5			147	9
Badminton	435	387	822	35	18	53	490	70	6	6	957	24
Basketball	3 071	1 657	4 728	103	28	131	3 429	780	(151)	(417)	5 639	36
Billiards	277	13	290	54	15	69	31		(5)	(1)	395	19
Lawn bowling and pétanque	459	62	521			0	17	13	11	2	547	15
Boxing	16	0	16	10	1	11	15	38	13	6	84	6
Canoeing and kayaking	38	10	48	17	2	19		34	4	2	107	5
Cricket	60	13	73	55	10	65	20	20	4	5	167	5
Cycling	299	51	350	1 028	232	1 260	299	1 057	121	118	2 906	35
Dancing	54	54	108	31	31	62	88		(9)	(3)	170	6

Numbers of registrations with sporting federations as at 1 January 2000

Federations	Registered as active competitors			Registered for recreational purposes			Youth registrations	Managers	Judges-referees	Trainers	Total registered	Number of clubs
	Male	Female	Total	Male	Female	Total						
Darts	158	35	193		0						193	16
Chess	637	37	674			0	15		(203)		674	19
Equestrian sports	*286*	*531*	*717*	*214*	*258*	*472*	*417*		*(3)*	*(2)*	*1 189*	*13*
Fencing	60	6	66	69	16	85	50	25	1	6	183	6
Football (soccer)	21 950	403	22 353			2 779	9 520		259		25 391	120
American football	80	27	107	4	3	7	28	8		5	127	5
Football (soccer) under corporate sponsorship	1 729		1 729			0		260	8		1 997	51
Golf	2 220	1 078	3 298			0	322	(6)	(3)	(15)	3 298	6
Miniature golf	44	17	61	32	21	53	4	8	6	1	129	4
Gymnastics	*780*	*2 137*	*2 917*	*333*	*3 751*	*4 084*	*2 469*	*461*	*6*	*101*	*7 569*	*60*
Wrestling and power-lifting	127	10	137	38	11	49	59	35	15	5	241	5
Handball	1 574	694	2 268			0	1 487	176	78	55	2 577	19
Sports for persons with disabilities	35	10	45	107	25	132		14	6	7	204	5
Field hockey	64	27	91	14	6	20	43	2	3	1	117	1
Ice hockey	269	16	285			0	189	25	24	4	338	4
Korfball	20	18	38	8	7	15	13				53	1
Walking			0	1 728	851	2 579					2 579	45
Motorcycling	107		107			0					107	10
Bodybuilding	55	0	55	43		43		(10)	(7)		98	8
Swimming and lifesaving	*443*	*510*	*953*	*369*	*396*	*765*	*714*	*227*			*1 945*	*11*
Sport-fishing	2 693	313	3 006	87	6	93	284	(644)	(89)	(88)	3 099	83
Bowling	3 855	345	4 200			0		(42)	6	(7)	4 206	319
Rugby	266	17	283	45	12	57	161	25	6	10	381	3
Skiing	86	39	125	2	5	7	75	37			169	9
Waterskiing	53	11	64	94	42	136	17	44	11	6	261	8
Squash	200	65	265	63	20	83	14	3	6	1	358	12
Ice sports	60	59	119	38	281	319	53	43	7	11	499	7
Health sports			0	346	45	391		74			465	1
Underwater sports	446	183	629			0		(42)			629	13
Tennis	2 155	1 069	3 224			11 000	1 002	193	112	100	14 629	36
Table tennis	2 805	921	3 726	315	221	536	1 679	(510)	(57)	(78)	4 262	103
Archery	199	45	244			0	75	9	5	2	260	9

Numbers of registrations with sporting federations as at 1 January 2000

Federations	Registered as active competitors			Registered for recreational purposes			Youth registrations	Managers	Judges-referees	Trainers	Total registered	Number of clubs
	Male	Female	Total	Male	Female	Total						
Shooting (firearms)	3 291	263	3 554				101	127	25	14	3 720	22
Sailing	410	75	485	290	51	341		94	16	12	948	7
Volleyball	*465*	*778*	*1 243*	*246*	*131*	*377*	*707*	*105*	*83*	*3*	*1 811*	*26*
Totals (for 50 federations)	56 215	13 487	69 702	6 654	6 699	13 353	24 943	5 464	1 644	1 239	102 978	1 384

Source: Funding applications for 2000, Ministry of National Education, Occupational Training and Sport

Comments:

(*) A new federation (FLERA) was set up in 2001 as an umbrella organization for eight rock-climbing, hiking and mountain-climbing clubs.

Figures shown in parentheses are included under another heading.

Members of school leagues (LASEL and LASEP) and scouting movements are to be added to the total numbers of active registrants.

It must also be noted that the Ministry for the Advancement of Women has communicated with organizers of sporting and recreational activities which award prizes but do not adhere to the commitment to pursue appropriate measures to eliminate discrimination against women.

(h) Access to specific education information to help to ensure the health and well-being of families, including information and advice on family planning.

56. Education in support of families' health and well-being

In an effort to promote the well-being of children and teenagers, Luxembourg has been taking part since 1999 in the study "Health behaviour among school-aged children" (HBSC) so as to build up a database of information that can be used to promote young people's health.

The objectives of the HBSC study, which is sponsored by the European office of the World Health Organization, are as follows:

- **To observe the conduct of young people with regard to health over time;**
- **To observe factors that influence conduct with regard to health;**
- **To study the durability of the relationship between determinants and forms of conduct over time and between cultures.**

The study looks at issues relating to young people's demographic and personal situation, their health and well-being (aspects of health relating to school, psychosocial health, the family, drug abuse, recreation, etc.).

By analysing the data systematically on the basis of sex, it will be possible to define and assess health policy with respect to girls, to understand those factors that are determinants of lifestyles consistent with and detrimental to good health, and to plan appropriate forms of action.

Information and counselling in the area of family planning form part of school programmes in the early years of secondary school education and of technical secondary school education.

57. Access for women who have disabilities

Since the entry into force of the Law of 1973, which created Luxembourg's present array of different education services and institutions, it has been required by law that all children under 15 years of age attend school. Accordingly, girls and boys who have disabilities enjoy access to education that is equal to that of anyone else.

So far as specific measures to promote equal access to education for women who have disabilities are concerned, the applicable laws and regulations do not make any distinction between persons who have disabilities, of either sex, and other persons.

It must be stressed that the term "equal" relates only to access to education, since the actual instruction given needs to be tailored to the specific needs of the students concerned.

To ensure that the instruction given is properly adapted in this way, a personalized training plan is drawn up for each student at the beginning of the school year.

In special-education schools, there are substantially more boys and girls.

Proportion of female students enrolled in special education

School year	Girls
1999-2000	35.3 per cent
1999-2000	36.9 per cent

Source: Special Education

Data for 1998-99 and for 2001-02 are not available.

58. Beijing+5

To conclude this chapter, the Government's intentions with respect to priority area 7 of the strategy-cum-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001) are outlined below.

Education and occupational training (both initial and ongoing) are key areas in which to promote respect for the equality of women and men and to eliminate disparities between the sexes, particularly in regard to occupational guidance and choices, and science and technology, where the impact of gender is most evident.

- Encouragement for inclusion of the gender dimension and advancement of women as part of overall education and training policy;
- Incorporation of gender pedagogy in the teacher training curriculum;

- Training of male and female trainers on an equal basis;
- Elimination of sexist stereotypes from textbooks and instructional materials;
- Breaking down of statistical data by sex;
- Inclusion in early, preschool and primary school education of experiences and instructional materials prepared as part of the "Sharing equality" project;
- Inclusion in the law on schools, when the Law of 1912 comes to be revised, of the principle that equality between women and men is an educational objective;
- Strengthening of the policy on disseminating information on the availability of ongoing training programmes, with particular reference to ensuring that this information reaches women wishing to re-enter the workforce.
- The offering of training programmes, including new programmes, in those areas where there is high demand in the job market;
- Programmes and actions to eliminate violence in the schools.

Article 11. Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take the appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

59. The European Employment Strategy

Employment policy for women saw a radical change with the introduction of the European Employment Strategy, which resulted in a mainstreaming approach being adopted. The paragraphs that follow outline the history of this change both within Luxembourg and at the European level, the two being closely linked.

In November 1997, the special summit of the European Council held under the presidency of Luxembourg decided to launch the European Employment Strategy to combat unemployment in Europe. Each year, the member states frame their own national action plans taking the four pillars of the European Employment Strategy as guidelines for doing so. The guidelines, which serve as the foundation for each country's national policy, are still being changed and adapted to current needs.

Each spring, the member states submit their national action plans to the Commission. These plans contain quantitative and qualitative summaries of the situation for the year just ended and set forth the member states' new proposals. The European Commission reviews the recommendations and decides on them in the framework of the European Union's Joint Employment Report.

This process means that the European Commission is continually monitoring the situation, and that the member states are continually reviewing their national policies. The process has produced positive results.

Since Luxembourg held the presidency for the November 1997 special summit and, since the Prime Minister and Minister of Labour and Employment of Luxembourg had put forward this idea of a qualitative and quantitative strategy, Luxembourg submitted its first national action plan (for 1998) and proposed from the outset that it be implemented as a legal text to affirm the political will that the law be applied. The proposals contained in the national action plan were based on the notion of tripartite negotiations (labour unions, employers and government) within the Tripartite Coordination Committee. Thus, the three social partners were involved right from the beginning. Luxembourg is the only country to have had its national action plans on employment adopted by the three social partners before they have even been submitted to the European Commission.

With the twofold objective of promoting the employment of women and combating the horizontal and vertical discrimination faced both by women in the workplace and by women wishing to re-enter the workforce, the national action plan calls for a number of pieces of legislation to be enacted, whose provisions will help to bolster other measures already taken.

60. The situation in the job market

The following statistics are essential to give a proper picture of the employment situation in Luxembourg:

Employment indicators (percentages)				
	1997	1998	1999	2000
Total employment growth	3.2	4.3	5.0	5.5
Total employment growth, men (a)	3.2	4.6	5.2	
Total employment growth, women (a)	3.8	4.4	5.6	
Total employment growth, residents only	1.3	2.0	2.5	2.7
Total employment rate	59.8	60.1	61.6	62.7
Total employment rate, men	74.1	74.5	74.4	75.0
Total employment rate, women	45.2	45.6	48.5	50.1

Source: Central Statistics and Economic Research Service [Service Central de la Statistique et des Études Économiques] (STATEC) – Community Labour Force Survey

(a) Salaried employment only

Overall, the job market in Luxembourg is characterized by:

- Robust employment growth;
- Large and growing participation by border-area dwellers, and in general by foreign nationals (both residents and border-area dwellers);
- Excessively low participation by workers over 50 years of age;
- Excessively low participation by women of Luxembourg nationality;
- A pronounced occupational split between women and men.

60.1 The proportion of the employment market accounted for by cross-border workers

The immense growth that Luxembourg's job market has been seeing for several years has been largely attributable to the influx of cross-border workers from three neighbouring countries – Germany, Belgium and France. Their share of domestic employment (figures on workers within Luxembourg by definition include cross-border workers from outside the country) has continued to rise significantly.

The proportion of the domestic employment market accounted for by cross-border workers from outside the country				
	1998	**1999**	**2000**	**2001**
Cross-border workers from outside the country	33.0 per cent	34.3 per cent	36.0 per cent	38.0 per cent

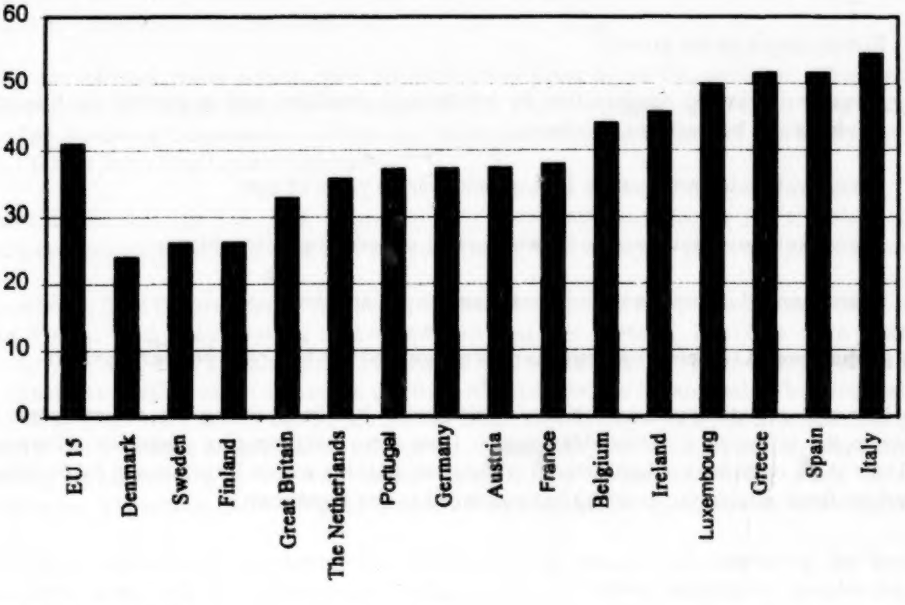
Source: National Action Plan, Employment Administration

The proportion of the domestic employment market accounted for by cross-border workers is continually growing, as is that of foreign nationals resident within Luxembourg, whereas the proportion accounted for by workers who are Luxembourg nationals is continuing to shrink. The increasing numbers for workers who are Luxembourg nationals (see the table above entitled "Employment indicators") may be due to the growing participation of women resident in the country.

60.2 Participation by Luxembourg women

The proportion of women in Luxembourg who are not economically active, and particularly the proportion of women who are Luxembourg nationals (see the table below entitled "Distribution of workers by place of residence and by sex in 1988 and 2000") is significant in comparison with other European countries.

Inactivity rate for women in European Union countries, 1999[10]
per cent



Source : Eurostat

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[10] The inactivity rate is defined as the number of persons not economically active plus the number of unemployed persons, divided by the total population, for those 15 to 64 years of age.

The employment rate has increased:

- Among women who are Luxembourg nationals: from just over 35 per cent to nearly 50 per cent;

- Among women who are foreign nationals: from about 40 per cent to just over 60 per cent[11].

It should be noted as well that the proportion accounted for by resident working women who are foreign nationals was and continues to be higher than the proportion accounted for by women who are Luxembourg nationals, which is another factor that has a bearing on the domestic employment market.

Distribution of workers by place of residence and by sex in 1988 and 2000[1]

Residence	Numbers			Percentages across rows			Percentages down columns		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
1988									
Resident in Luxembourg	83 692	45 837	129 529	64.6	35.4	100.0	82.5	87.1	84.1
Of whom:									
– Luxembourg nationals	59 725	31 139	38 665	67.5	34.3	100.0	58.9	59.1	59.0
– Foreign nationals	23 967	14 698	24 567	62.0	38.0	100.0	23.6	27.9	25.1
Cross-border workers	17 754	6 813	24 567	72.3	27.7	100.0	17.5	12.9	15.9
Totals	101 446	52 650	154 096	65.8	34.2	100.0	100.0	100.0	100.0
2000									
Resident in Luxembourg	95 390	62 475	157 865	60.4	39.6	100.0	62.5	69.7	65.2
Of whom:									
– Luxembourg nationals	55 547	35 307	90 854	61.1	8.9	100.0	36.4	39.4	37.5
– Foreign nationals	39 843	27 168	67 011	59.5	40.5	100.0	26.1	30.3	27.7
Cross-border workers	57 224	27 178	84 402	67.8	32.2	100.0	37.5	30.3	34.8
Totals	152 614	89 653	242 267	63.0	37.0	100.0	100.0	100.0	100.0

Source: General Social Security Inspectorate [Inspection Générale de la Sécurité Sociale]

[1] Figures as at 31 March 1988 and 31 March 2000.

Generally speaking, the proportion of the economically active female population accounted for by women who are foreign nationals (for the age group from 15 to 64 years of age) has increased, while the gap between women who are Luxembourg nationals and women who are foreign nationals has narrowed.[12]

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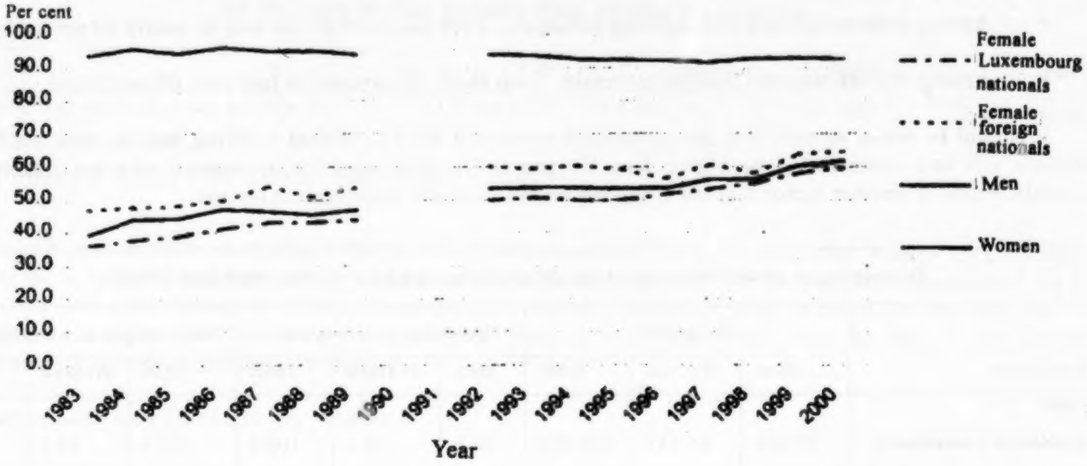
[11] Central Statistics and Economic Research Service (STATEC): *Social statistics, participation in economic life, 1983 to 2000* [*Statistiques sociales, participation à la vie économique 1983-2000*], March 2001.

[12] Central Statistics and Economic Research Service (STATEC): *Social statistics, participation in economic life, 1983 to 2000* [*Statistiques sociales, participation à la vie économique 1983-2000*], March 2001.

Employment rate for persons 25 to 54 years of age, by sex and by nationality, 1983 to 2000*



* Data for 1990 and 1991 not supplied by STATEC

Source: Labour Force Surveys, STATEC

It is worth noting that participation by women who are nationals of other EU countries is increasing more rapidly than participation by women who are Luxembourg nationals or women who are nationals of countries outside the EU. This can be explained by the difficulty of obtaining work permits, which in the case of families of asylum-seekers are traditionally applied for by men.

Activity rate, by sex and by nationality, 2000 (percentages)

	Men	Women	Both sexes
Luxembourg	75.9	47.9	62.9
Portugal	79.5	63.1	71.1
Italy	68.9	41.4	56.2
France	84.3	58.1	69.9
Belgium	77.6	65.0	70.7
Germany	73.2	46.7	59.3
Yugoslavia	68.6	31.4	50.9
Other	78.3	58.1	67.0
All nationalities	76.4	51.7	64.2

Source: 2000 Labour Force Survey, STATEC.

Generally speaking, the OECD has found that the employment rate for women has increased six per cent since 1995, while the employment rate for men has remained essentially unchanged.[13] According to

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[13] OECD Report, February 2001.

Luxembourg's National Action Plan for 2001 (page 3), "the employment rate for persons 20 to 64 years of age rose from 63.2 per cent in 1996 to 66 per cent in 1999. This is due solely to increased participation by women, for whom the employment rate rose during the same period from 46.4 per cent to 52.1 per cent."

So far as the economically active population over 50 years of age is concerned, the employment rate for women, both Luxembourg nationals and foreign nationals, has increased steadily since 1983; this can be explained by changing lifestyles and attitudes. Amongst the economically active population in this older age group, it is apparent that a traditional pattern of role-sharing continues to predominate, with most women staying at home. The employment rate among persons 55 to 59 years of age is only about 20 per cent for women whereas it is over 50 per cent for men. Within the age group from 50 to 64 years of age, women most often cite family responsibilities as the reason why they are not employed outside the home.

In brief, women's participation in the job market has significantly improved over the past two years.

60.3 The occupational split between women and men

There is a pronounced occupational split between women and men, as the following table shows.

Distribution of workers, by sector of economic activity and by sex, 2000[1]

Sector of economic activity	Numbers			Percentages across rows			Percentages down columns		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Agriculture, hunting, forestry	230	1 000	1 230	18.7	81.3	100.0	0.3	0.7	0.5
Fishing, aquaculture	0	6	6	0.0	100.0	100.0	0.0	0.0	0.0
Extractive industries	26	283	309	8.4	91.6	100.0	0.0	0.2	0.1
Manufacturing	5 924	28 362	34 286	17.3	82.7	100.0	6.6	18.6	14.2
Electricity, gas and water production and distribution	109	802	911	12.0	88.0	100.0	0.1	0.5	0.4
Construction	1 598	24 450	26 048	6.1	93.9	100.0	1.8	16.0	10.8
Car and appliance sales and repair	15 109	18 162	33 271	45.4	54.6	100.0	16.9	11.9	13.8
Hospitality industry	5 182	4 950	10 132	51.1	48.9	100.0	5.8	3.2	4.2
Transport and communications	3 607	16 698	20 305	17.8	82.2	100.0	4.0	10.9	8.4
Banking and finance	13 023	15 870	28 893	45.1	54.9	100.0	14.6	10.4	11.9
Real estate, leasing and business services	12 578	17 465	30 043	41.9	58.1	100.0	14.1	11.4	12.4
Public administration	12 486	17 445	29 931	41.7	58.3	100.0	14.0	11.4	12.4
Education	715	416	1 131	63.2	36.8	100.0	0.8	0.3	0.5
Health and social action	10 782	2 425	13 207	81.6	18.4	100.0	12.1	1.6	5.5

Distribution of workers, by sector of economic activity and by sex, 2000[1]									
Sector of economic activity	Numbers			Percentages across rows			Percentages down columns		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Group social services and personal services	3 627	2 671	6 298	57.6	42.4	100.0	4.1	1.8	2.6
Household services	3 114	73	3 187	97.7	2.3	100.0	3.5	0.0	1.3
Activities beyond Luxembourg's borders	521	234	755	69.0	31.0	100.0	0.6	0.2	0.3
Other activities	711	1 294	2 005	35.5	64.5	100.0	0.8	0.8	0.8
Totals	89 342	152 606	241 948	36.9	63.1	100.0	100.0	100.0	100.0

Source: General Social Security Inspectorate

[1] Figures as at 31 March 2000.

The distribution of women in the various sectors of economic activity varies depending on the country of residence and nationality.

What is true for workers who are nationals of and resident in Luxembourg as a whole is also true for women: they predominate in those jobs for which Luxembourg nationality is or has been required as a criterion in hiring (in particular, government agencies and the electricity and water sector).

Women who are foreign nationals resident in Luxembourg are very strongly represented in the area of business services, even more so than men.

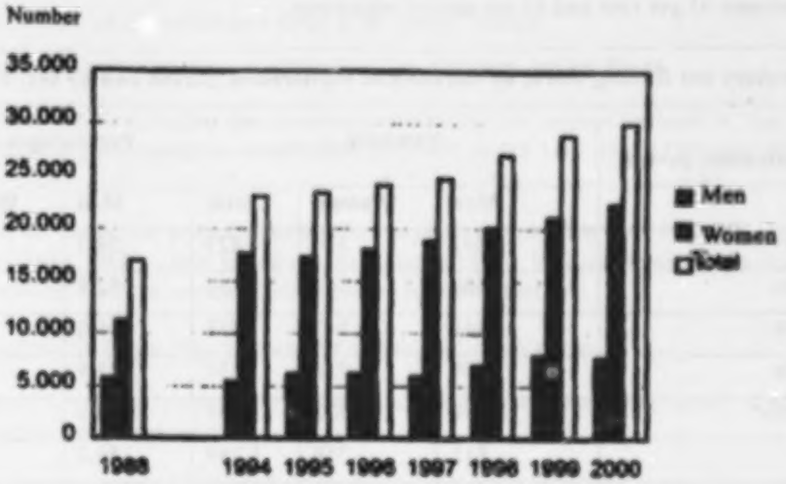
The occupational split between women and men is also evident in the occupational choices made by girls and women (both employed and unemployed): out of the 106 occupations available, 70 per cent of girls choose one of the three most popular typically female occupations (salesperson, hairdresser or secretary) whereas only 30 per cent of boys choose one of the three most popular typically male occupations (mechanic, electrician or installer) (National Action Plan for 1999, page 50).

This occupational split persists despite the efforts made by the Ministry of National Education, Occupational Training and Sport and despite the "Sharing equality" project (see article 10, section 50).

60.4 Very low incidence of part-time employment

Part-time employment is governed by the Law of 26 February 1993, and is defined in the following terms: "An employee who, within the framework of regular employment, agrees with the employer a work schedule consisting of fewer hours per week than the normal number of hours worked per week in the establishment as established by law or pursuant to the applicable collective agreement is considered under the law to be a part-time employee."

Employees working 120 or fewer hours per month, by sex, 1988 to 2000



Source: General Social Security Inspectorate

Since 1988, the number of women working fewer than 120 hours per month has been rising. Although the proportion of men working part-time remains relatively low, it too is rising slightly.

61. Unemployment among women

Unemployment figures for women in recent years are as follows.

Average numbers of persons unemployed/seeking jobs				
Year	**Women**	**Men**	**Total**	**As a percentage of the economically active population**
1995	2 227 43.4 per cent	2 903 56.6 per cent	5 130	3.0 per cent
1998	2 587 46.7 per cent	2 947 53.3 per cent	5 534	3.1 per cent
1999	2 523 47.2 per cent	2 828 52.8 per cent	5 351	2.9 per cent
2000	2 333 47.0 per cent	2 631 53.0 per cent	4 964	2.6 per cent
2001	2 312 46.9 per cent	2 615 53.1 per cent	4 927	2.6 per cent

Source: Activity reports from the Ministry of Labour and Employment

Although women account for a relatively modest share of the job market, their unemployment rate has always been and continues to be higher than men's, although it is quite stable.

However, women do not appear to be more susceptible than men to long-term unemployment. According to information on the period of time that job-seekers remain registered with the Employment Administration, women represent between 41 per cent and 54 per cent of registrants.

Job-seekers not finding work, by duration of registration period and by sex, 2001[1]						
Duration of registration period	**Numbers**			**Percentages across rows**		
	Men	**Women**	**Total**	**Men**	**Women**	**Total**
Less than 1 month	447	374	821	54.4	45.6	100.0
From 1 to 3 months	609	544	1 153	52.8	47.2	100.0
From 3 to 6 months	441	517	958	46.0	54.0	100.0
From 6 to 9 months	208	226	434	47.9	52.1	100.0
From 9 to 12 months	188	173	361	52.1	47.9	100.0
Over 12 months	811	558	1 369	59.2	40.8	100.0
Totals	2 704	2 392	5 096	53.1	46.9	100.0

Source: Employment Administration

[1] Figures as at 28 February 2001.

Young women, particularly those between 15 to 24 years of age, have greater difficulty than their male counterparts.

Unemployment rates, by age and by sex, 2000 (percentages)			
	Men	**Women**	**Both sexes**
15 to 24 years of age	5.6	7.3	6.4
25 to 34 years of age	2.0	4.6	3.2
35 to 44 years of age	1.2	2.0	1.5
45 to 54 years of age	1.2	1.0	1.1
55 to 64 years of age	2.0	0.0	1.4
All age groups	1.8	3.1	2.4

Source: 2000 Labour Force Survey, STATEC

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

62. Measures to promote employment contained in the National Action Plans

The paragraphs that follow outline the measures contained in the various National Action Plans for the years 1998 to 2001, particularly the measures established pursuant to the Law of 12 February 1999 and the results achieved.

On the whole, the measures proposed under the National Action Plan for 1998 were incorporated into the Law of 12 February 1999, which came into force on 1 March 1999. With reference to the measures[14] contained in the Law of 12 February 1999 to combat discrimination against either sex:

1. **The principal challenge is to increase the female participation rate.**

2. **The second key point is that there is a need to achieve more evenly balanced numbers of women and men in certain economic sectors.**

The measures described below reflect these two main objectives (National Action Plan for 1998, page 45).

1. With reference to the first objective

(a) Specific measures for women who are unemployed or seeking jobs

In view of the difference in unemployment rates between women and men, specific support is planned for women who are unemployed, combined with activities to raise the awareness of Employment Administration personnel, cooperation amongst the services involved (the Vocational Training Service, the Ministry for the Advancement of Women, NGOs and so on) and the development of programmes and ideas (National Action Plan for 1999, page 50).

(b) Job creation

New legislation has indeed encouraged the employment of women through the establishment of new community services for this purpose (National Action Plan for 1998, pages 33 et seq.):

- **The Law of 19 June 1998 establishing dependency insurance;**
- **The Law of 8 September 1998 governing relations between the government and agencies active in the social, family and therapeutic-treatment fields;**
- **The Law of 23 December 1998 establishing two new centres for older persons;**
- **The creation of 1,000 additional child-care spaces.**

Of all these measures, it is the Law establishing dependency insurance that has had the greatest impact in terms of the creation of services. The precise impact (i.e., the number of jobs actually created) has not yet been calculated.

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[14] **Some measures relate to several articles. Where this is the case, they are presented once only and reference information is given to relate them to other articles as applicable.**

(c) Analysis of needs with respect to the care of dependent persons

The Ministry of Family Affairs has undertaken to evaluate all needs with respect to care structures, in collaboration with the commune governments, in order to develop a plan for expanding care services (National Action Plan for 1999, pages 52 et seq.). A survey to gather information in this regard is currently under way. Inasmuch as the establishment of local structures to meet community needs, particularly with respect to care for children and dependent persons, will make it easier for women to join or re-enter the workforce, the National Action Plan for 2001 (pages 42 et seq.) proposes that support be given to three to five communes in different parts of the country for conducting pilot projects to bring together the structures and agencies existing within each commune (child-care centres, day-nursery services, etc.).

(d) Positive actions in private firms

The Law of 12 February 1999 sought to establish a legal basis for positive actions to be taken, and to establish eligibility criteria for providing financial assistance in support of them. The term "positive actions" refers to measures to create specific advantages to facilitate the pursuit of an occupational activity by the under-represented sex or to eliminate or offset disadvantages in the pursuit of an occupational activity (National Action Plan for 1998, page 46; Law of 12 February 1999, article XXVII; Regulations of 26 October 1999 issued by order of the Grand Duke relating to terms and conditions for the implementation of eligibility criteria for projects involving positive actions). Positive actions may consist of new ways to organize work, hiring actions, training actions, actions with regard to changing jobs, etc.

In 1998, four actions were undertaken:

- One action to set up a children's room for the children of customers and employees of a hairdressing salon;
- Three training actions:
  - One for women working as market gardeners;
  - One for women selling apparel (in preparation for a post as department manager);
  - One for housekeepers, in preparation for becoming the end of a team of cleaners.

In 1999, nine actions were undertaken:

- Two training actions for women:
  - One to prepare women for better, more stable employment;
  - One to prepare women for re-entering the banking sector;
- One job-sharing action for women re-entering the workforce, combined with additional training;
- One to examine women's employment situation in business, with a view to making improvements;
- One to raise awareness in regard to stress, communications and conflict management associated with gender issues;
- Two actions to train companies' staff (nearly all of whom were female) in preparation for taking on supervisory posts and for managing conflicts that typically affect women.

- One to set up a school for women computer-science instructors, aimed at increasing women's participation in new technologies.

Experiences in 2000 made it clear that the following points are important for carrying out positive actions:

- Cooperation with associations concerned with specific occupations, so as to enhance visibility and ensure that positive actions are more widely accepted within companies;
- Support from labour unions;
- Structured exchanges with the Committee for Positive Actions [Comité pour actions positives] and with company management;
- A formal commitment by the company's managers, as a key factor;
- Active participation in the project by the equality delegate;
- Individualized long-term monitoring of companies from the moment the first contact is made:
    - While the project is being developed;
    - During the procedure of submitting the application to the Committee;
    - During implementation of the project;
    - For project followup;
- Support for outside consultants hired by the company;
- Regular advertising in weekly periodicals and specialized publications;
- Frequent contacts, both in person and by mail, with company managers.

The fact that continuing involvement is necessary shows that a positive action is not something that takes place over a brief period of time, but rather is a long-term process. It is a process that begins well before the application is submitted to the Committee and that does not end when the project reaches its conclusion. The aim of a positive action is to trigger change at every level within the company – that is, to ensure that respect for the principle of equality between women and men is embedded in the company's philosophy and corporate culture. Consequently, this value must be communicated to the company's staff so that appropriate additional measures to enable the staff to identify with this change in culture can be assessed and implemented.

Positive actions take place within a changing economic and social environment. Shortages of skills and staff are becoming ever more keenly felt. Companies are taking this into account as they work to maintain the loyalty of their staff. Women are seen as offering a key solution to this problem. These developments require changes in corporate culture. To stay competitive in the global economic marketplace, companies have to adapt their internal culture. And women can benefit from this change.

Awareness-raising strategy

Gender equality, stereotyping and attitudinal changes are subjects that require long-term actions to raise awareness, utilizing a variety of means of communication.

Direct contacts:

This year, direct personal contacts have been made with more than 60 companies in Luxembourg with a view to promoting gender equality.

Mailings:

At the start of the year, direct mailings were sent to managers of merchandising and cleaning companies.

Media campaign:

At the same time, a media campaign on positive actions was launched at the start of the year, and a plan has been developed to obtain exposure in general and specialized publications in Luxembourg.

Commercials have been shown on television and in cinemas focusing on the theme of equality between women and men, and particularly on women working in non-traditional occupations such as mechanic, engineer and camerawoman.

Internet website:

The Internet is a communication tool which will continue to have a growing impact in the future. In October 2000, the website of the Ministry for the Advancement of Women (at <http://www.MPF.lu>) was unveiled. In this initial stage, the website focuses on immediate activities, medium- and long-term projects and the Ministry's various publications (including the possibility of ordering them on-line).

In 2001, two positive actions in private companies that had begun in 2000 were continued, and two new positive actions were initiated.

One of the companies involved operates various lines of business – cleaning, laundry, food services, surveillance and security. The action being undertaken in connection with that company focuses on an analysis of staff needs and motivations.

Another of the companies involved is one that specializes in the sale of mobile-telephone services, a sector in the forefront of modern technology. In that company's internal training courses, it has included modules to raise the awareness of staff regarding various aspects of communication between women and men.

Progress made

The activities carried out in 2001 have shown that a solidly proactive approach needs to be adopted. In that year, the personal contacts made with companies in previous years were strengthened, and additional contacts were made with other companies.

Before a proposal to undertake a positive action can be submitted to the Committee, it needs to undergo a period of development. This process may go on for several months or even several years without any guarantee that it will reach a successful conclusion. The task of developing a proposal is often the starting point for changing a company's corporate culture. It entails repeated contacts with the company's management and human-resources department as well as with the staff delegation, and particularly the equality delegate(s).

To date, the Ministry for the Advancement of Women has worked with about 30 companies to help them develop proposals. The Ministry's efforts consist, *inter alia,* of:

- Providing information about positive actions;
- Raising awareness on issues with respect to equality between women and men in the working world;
- Providing assistance in analysing actions that might be undertaken within the company;
- Setting up a network of key personnel within the company;
- Developing strategies for presenting positive actions to various decision-making bodies within the company;
- Developing a communication strategy for the company's entire staff;
- Monitoring the development of the proposal;
- Providing support for key personnel;
- Providing statistical and analytical information on the situation of women and men in the working world.

During the preliminary stage, changes in the company's corporate culture become evident. Various consultative, steering and other groups are set up. Equality between men and women comes to be discussed at various levels within the company. Thus, it may be said that certain positive actions begin long before the application for financial assistance is submitted to the Committee.

In 2001, the aftermath of the terror attacks of 11 September and the simmering economic recession adversely affected the launching of positive actions. In view of the uncertain economic climate, three proposals for positive actions were temporarily frozen.

- On 18 June 2001, the Minister for the Advancement of Women and a delegation from her Ministry were received by the Economic and Social Council [Conseil Économique et Social] of the Luxembourg Federation of Industry [Fédération des industriels luxembourgeois] (FEDIL) to discuss a variety of topics relating to women and the job market:
    - Part-time employment;
    - Training and guidance for women focusing on non-traditional occupations;
    - Women wishing to re-enter the workforce;
    - Positive actions.

For the Education and Training Fair to be held in November 2002, it was decided to mount a joint effort to raise girls' awareness of the occupations open to them, by having women from non-traditional occupations present.

- In March 2001, officials from the Ministry for the Advancement of Women responsible made a presentation to staff of the Employment Administration about positive actions. The meeting was attended by the Director, the women's employment delegate, and about 40 others including consultants and placement staff who work with companies on an ongoing basis. The purpose of the meeting was to provide those in attendance with relevant information regarding positive actions being developed and implemented in private companies and the work being done by the Ministry in this area. This exchange of information between the Employment Administration and the Ministry will facilitate contact with the companies in question.

- Awareness-raising campaigns about positive actions were conducted on a broad scale in cooperation with the relevant associations (the Federation of Skilled Trades and the Chamber of Commerce).

(e) Inclusion of an equality plan in collective agreements

All collective negotiations are required to consider the establishment of an equality plan (National Action Plan for 1999, page 46; article I of the Law of 12 February 1999 concerning the implementation of the Action Plan for 1998).

(f) Sexual harassment in the workplace

Following through on the intentions expressed in the National Action Plan for 1998 (page 45), the Law of 26 May 2000 provides protection for both male and female employees against sexual harassment (see article 2, section 4).

The main provisions of the law are as follows:

- It defines sexual harassment;
- It requires that employers take preventive measures and halt any sexual harassment of which they may become aware;
- It provides protection for victims and witnesses from reprisals: protection from dismissal and any other form of reprisal, as well as the possibility of requesting that an unlawful dismissal be rescinded and that a person unlawfully dismissed be reinstated (sharing of the burden of proof);
- It provides that the victim may be assisted by a person of trust (the equality delegate);
- It covers both the public and private sectors.

(g) Organization of work schedules

The organization of work schedules has been made more flexible by introducing references to time periods within the framework of a work organization plan (see the Law of 12 February 1999, articles VI and VII for private-sector employees). The purpose of this measure is to help to reconcile the demands of work life and family life and promote new ways of organizing work, with particular reference to work schedules. All collective negotiations are required to consider this matter.

(h) Research centre on occupational and employment relations

In general terms, the research centre on occupational and employment relations has the task of analysing measures under the National Action Plans aimed at promoting employment from a gender perspective.

The research centre operates under the aegis of the Standing Committee on Employment. Agencies responsible for gender equality are consulted with respect to the various steps involved in designing, implementing and monitoring measures to promote employment.

An evaluation study on the introduction of parental leave is currently under way.

Other items worthy of mention are:

- Measures to reconcile the demands of work life and family life (National Action Plan for 1998, pages 46 et seq.), discussed in section 69 below;
- The recommendation that companies and the Civil Service assist women who leave their employ but may return at some point in the future by making training available to them so as to maintain occupational skills (National Action Plan for 1998, page 49; see paragraph 65.1 below);
- The offering by the Civil Service of various training courses for women who have returned to work after taking time away for the purpose of rearing their children (see paragraph 65.1 below).

2. With reference to the second objective

The paragraphs that follow outline some of the principal provisions set forth in the Law of 12 February 1999.

(i) Supplemental reimbursement in respect of the under-represented sex, within the framework of re-employment measures

The National Action Plan for 1998 provides that, in the following cases, the usual 50 per cent reimbursement which the government pays to a private-sector employer in respect of the allowances that the employer is required to pay to young employees will be increased to 65 per cent of such allowances if the employer hires a person of the under-represented sex in those economic sectors or occupations determined as being economic sectors or occupations in which one of the sexes is under-represented:

- The hiring of a young person (under 30 years of age) on a temporary assistance contract;
- The hiring of a young person (under 30 years of age) pursuant to a trainee programme for entering the workforce;
- The hiring of a job-seeker over 30 years of age pursuant to a trainee programme for re-entering the workforce;
- The hiring of a job-seeker to replace an employee who has converted from full-time employment to part-time employment, provided that the employer is hiring the new employee on a permanent (indeterminate) basis.

(See the Law of 12 February 1999, chapter 1, chapter 2 and article 44.)

The aim of these measures is to move those who are unemployed or seeking work into jobs.

The neutral reference to "the under-represented sex" was adopted so as not to discriminate against men who are under-represented in those economic sectors in which women are traditionally employed (see paragraph 60.3 above).

The determination of the sectors in which one of the sexes is under-represented will be established pursuant to Regulations issued by order of the Grand Duke; these are currently being finalized.

(j) Occupational guidance for girls

The National Action Plan for 1998 (page 45) makes reference to pilot projects for giving girls guidance regarding a broader choice of occupations and training programmes in areas of future growth, particularly scientific and technical fields.

Despite the work that has been done, girls are continuing to choose occupations according to traditional patterns and in fields where women predominate. A change in behaviour at this level will require long-term efforts to raise awareness, not only among children and teenagers but also among parents and teachers.

(k) Study on women in decision-making

The Ministry for the Advancement of Women, in cooperation with the Chamber of Commerce and the Federation of Skilled Trades, has carried out a study on women in economic decision-making (see section 63 below).

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

63. Study on women in economic decision-making

The Ministry for the Advancement of Women, in cooperation with the Chamber of Commerce and the Federation of Skilled Trades, has carried out a study on the topic "Women in economic decision-making", which was done through the Centre for Population, Poverty and Socio-economic Policy Studies [Centre d'Études de Populations, de Pauvreté et de Politiques socio-économiques].

In January 2001, information was obtained from nearly 1,300 representative businesses operating in Luxembourg in regard to participation by women in decision-making within the company. Those surveyed were members of the boards of directors, management officials, decision-makers and staff delegations in the companies.

The findings are summed up in the paragraphs that follow.

(i) Participation by women in boards of directors

The proportion of female members of boards of directors is substantially lower than the proportion of female employees overall. In companies that have a board of directors, 33 per cent of the employees are women whereas only 16 per cent of board members are.

Women are under-represented on boards of directors in companies of every size. The under-representation is proportionally greatest in large companies that have more than 100 employees: these companies have 3.5 times as many women employees as they do women board members.

(ii) Participation by women in management

Because companies of different sizes have different management structures, a distinction in the survey was made between companies having fewer than 15 employees and those having more than 15 employees. The way in which work is organized in the two types of companies is very different, and as a result different terms must be used to describe the concept of decision-making and the content of the posts in question. Moreover, once a company has 15 employees, it has reached the threshold at which it is required to establish a staff delegation.

- In small companies with fewer than 15 employees:

Amongst companies in this size range that are headed by a single manager (which is the situation in 92 per cent of these companies), women are substantially under-represented: only 12 per cent of small businesses are run by women.

Looking at all companies in this size range and not just those headed by a single manager, women are only slightly better represented in management posts: women account for 16 per cent of company heads, versus 40 per cent of employees.

- In companies with more than 15 employees:

In companies of this size, it is less common for the company to be headed by one person. In this size range, 67 per cent of companies are run by one person, 18 per cent by two people, seven per cent by three people and eight per cent by four people or more.

In this size range, 33 per cent of employees are women. As in the case of small companies, women are under-represented among company heads, accounting for only 11 per cent of them: thus, women's representation among employees is three times what it is among company managers.

- In small companies with fewer than 15 employees:

In half of the companies that have fewer than 15 employees, the company head is the sole decision-maker; 22 per cent of companies in this size range have one decision-making person in addition to the company head; 14 per cent have two additional decision-makers; and 14 per cent have three or more additional decision-makers.

Overall, 35 per cent of the personnel in these companies have some decision-making power: that is, within enterprises having fewer than 15 employees, one employee in three has some decision-making power in the company and can make commitments on its behalf.

Women are under-represented in decision-making, as they make up only 31 per cent of all decision-makers but 40 per cent of all employees.

- In companies with more than 15 employees

In 23 per cent of all companies with more than 15 employees, the company head is the sole decision-maker.

Women are under-represented in decision-making, as they make up only 27 per cent of all decision-makers but 33 per cent of all employees.

Participation by women in staff delegations

Women account for only 23 per cent of full members of staff delegations, although they account for 33 per cent of all employees.[1] The same tendency is seen among alternate members, of whom women account for only 26 per cent.

It is evident that women are substantially under-represented in all posts within staff delegations apart from the posts of secretary and equality delegate:

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[1] These figures have been calculated solely on the basis of companies that have at least one staff delegation.

- 15 per cent of the chairpersons of staff delegations are women, although 33 per cent of all employees are women;
- 17 per cent of the vice-chairpersons are women;
- The proportion of women holding the post of secretary of the staff delegation is 32 per cent, which is on a par with proportion of female employees overall;
- Only 10 per cent of safety delegates are women;
- Women are over-represented in the post of equality delegate, because men and women are elected to it in approximately equal numbers: 51 per cent of equality delegates are women, while women make up only 33 per cent of all employees.

64. Measures contained in the National Action Plans aimed at promoting employment

A number of measures to promote employment have been put forward in the various National Action Plans.

Supplemental reimbursement

See section 62, item 2 (i).

Equality delegates in private-sector enterprises

The requirement that there be equality delegates in private-sector enterprises (National Action Plan for 1998, page 46) was established pursuant to the Law of 7 July 1998 (see article 3, section 9).

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

65. Ongoing occupational training

This section outlines the progress made in the area of occupational training as a result of the major changes that came about with the implementation of the Framework-Law of 22 June 1999, with particular reference to:

1. Occupational training for those who are employed and those who are unemployed (see paragraphs 65.1 and 65.2);
2. Ongoing occupational training organized by the principal agencies active in this area;
3. Measures contained in the National Action Plans;
4. The participation of the Structural Funds, particularly the European Social Fund.

65.1 Training for those who are employed

In June 1999, Luxembourg enacted a new Framework-Law to support and develop ongoing occupational training (the Law of 22 June 1999). The Government's aim was to deal with specific problems relating to the economy in general and the occupational training market in particular by establishing new and effective structures to support economic growth, and especially by helping to satisfy the economy's demand for skilled workers.

By adopting the Law, the Government established a framework within which the occupational training market could develop and flourish. The aim of the Law was therefore to encourage companies to make greater investments in occupational training programmes. Here, it was hoped not only to increase companies' competitiveness and make workers more employable but also to promote a higher standard in training programmes.

The objectives in this area are threefold, and may be summed up as follows:

- Adapting the skills of workers and company managers by upgrading their capabilities in regard to methods and technologies relating to organization, production or marketing;
- Retraining workers and company managers to prepare them for other jobs;
- Preparing workers to take on more complex tasks or jobs that entail greater responsibility, taking advantage of any abilities or potential they may possess which is underutilized or untapped.

The Law is of specific interest to women in that it allows people who are on leave of absence for any reason (maternity, parental leave, leave for family reasons), or who have temporarily left a company for personal reasons, to participate equally in training programmes.

No quantitative assessment with specific reference to participation by women is yet available.

The table below shows women's participation rates in courses offered by the National Centres for Ongoing Occupational Training [Centres nationaux de la formation professionnelle continue], which are intended primarily though not exclusively for people who are unemployed or seeking jobs.

Employed persons enrolled in the National Centres for Ongoing Occupational Training

	1999	2000
Enrolment in the various courses	34 per cent women 66 per cent men	23 per cent women 77 per cent men

Source: Ministry of National Education, Occupational Training and Sport

Some of the training courses offered by the Centres are specifically designed for particular companies while others are intended for individuals (in preparation for advancement). As in the case of training courses intended for the unemployed (see paragraph 65.2), the distribution of enrolment numbers between men and women is largely attributable to the selection of training courses offered.

65.2 Training for those who are unemployed or looking for work

The National Centres for Ongoing Occupational Training focus primarily though not exclusively on people who are unemployed or looking for work. For the most part, their training programmes are full-time programmes of several months' duration which follow the typical school timetable including holiday breaks, whereas the programmes they offer for employed persons are only of a few hours' duration.

Persons enrolled in the National Centres for Ongoing Occupational Training who are unemployed or looking for work		
	1999	2000
Enrolment in the various courses	44 per cent women 56 per cent men	43 per cent women 57 per cent men

Source: Ministry of National Education, Occupational Training and Sport

In recent years, enrolment by women has increased substantially. The courses that women take lie in the areas of hairdressing, garment-making, retail sales, food services and office systems.

The Ministry for the Advancement of Women has been focusing its campaigns on raising girls' awareness regarding non-traditional occupations. Increasing girls' awareness so that they will diversify their occupational choices remains a challenge for the years ahead (see article 10, section 47).

65.3 Apprenticeships

Adult apprenticeships were recommended in the National Action Plan for 1998, and formally instituted pursuant to article XV of the Law of 12 February 1999. Information from the Ministry of National Education, Occupational Training and Sport shows the following figures on adult apprenticeships:

Adult apprenticeships		
	2000	2001
Applications received	227	494
Apprenticeships begun	82	205
Apprenticeships under way as at 15 January 2002	31 women 36 men	86 women 119 men

Source: Employment Administration, Vocational Training Service, 15 January 2002

Pursuant to the National Action Plan for 2001, the Ministry of National Education has decided that the following activities will be carried out to assist and promote the re-entry of women into the workforce:

- The provision of targeted, up-to-date information on the training programmes available;
- The promotion of adult apprenticeships, with a wide variety of training programmes offered (about 100 trades), together with national certification and guaranteed financial support;
- The offering of training programmes that lead to part-time jobs or that are in occupational fields which lend themselves to flexible employment or to self-employment.

Social and psychological issues relating to the re-entry of women into the workforce are an area in which activities are organized and carried out by NGOs; and this area has received and will continue to receive strong support. Promotional activities in regard to specific training programmes for women are carried out by a small number of promoters (three for the entire country), who focus primarily on women over 25 years of age who are re-entering the workforce.

The number of courses provided specifically for women has been sharply increased, and the range of courses has been broadened.

65.4 Measures contained in the National Action Plans for 1998 to 2001

The paragraphs that follow outline the measures set forth in the National Action Plans with respect to ongoing vocational training.

(i) Increasing the number and broadening the range of courses available

The number of training courses offered has been increased and their range has been broadened (see the National Action Plan for 1998, page 45), with specific courses now available in the following areas:

- Courses for female computer-science instructors;
- A course for pharmacists' assistants;
- Guidance workshops to assist women who are seeking jobs; etc.

The Fem-Training-Net project (see article 10, section 49) should also be noted in this connection.

(ii) Region-wide availability of training

Plans call for training courses to be available region-wide (National Action Plan for 1998, page 46).

NGOs offer orientation courses, retraining courses in secretarial functions and office systems, and courses in the use of new information technologies at the regional level.

(iii) Training for women re-entering the workforce following an extended leave of absence

The National Action Plan urges private companies and the Civil Service to assist women who are leaving the workforce but may re-enter it at some future time to receive training in order to maintain their occupational skills. Companies are invited to open their ongoing training programmes to women who are on leave of absence for family reasons (National Action Plan for 1998, page 48). This measure was included in the Framework-Law on ongoing occupational training of 22 June 1999 (National Action Plan for 1998, page 48), which obliges companies to provide access to ongoing training for employees who are not in active service (on parental leave, maternity leave, sabbatical leave, etc.) so as to enable them to keep abreast of technical developments (Law of 12 February 1999, article V, article 4 *bis*).

(iv) Courses for Civil Service personnel re-entering the workforce

The National Institute of Public Administration [Institut National d'Administration Publique] and the Ministry for the Civil Service and Administrative Reform offer courses for personnel who are re-entering the workforce. Although all the seminars offered are in principle open to civil servants on extended leave of absence and to personnel who are re-entering the workforce, part IV provides that specific training courses are reserved for those re-entering the workforce with a view to bringing their knowledge and skills up to date. Four retraining modules are identified, as follows:

- A module on matters relating to the Civil Service Statute;
- A module on matters relating to administrative reform;
- A module on new information technologies;
- A module on organization and communication.

These seminars are taught by both foreign nationals and Luxembourg nationals, and the instructional methods used include presentations, role-playing, case studies and exercises.

(v) Defrayal of travel and child-care costs

See item 69.3 below.

65.5 The European Social Fund

Since the member states of the European Union implemented the European Employment Strategy, the European Social Fund, which is one of the three Structural Funds, has served as the tool for supporting and assisting the implementation of this new approach. The European Social Fund provides financial assistance and a general policy framework for the purpose of improving the situation in the various member states. The objectives of the European Employment Strategy are as follows:

- Protecting and promoting employment;
- Combating unemployment, discrimination and social exclusion;
- Supporting the entrepreneurial spirit and lifelong learning;
- Working on behalf of equality of opportunity for women and men.

Within the context of activities that receive funding from the European Social Fund, there are certain actions carried out which target the needs of certain groups of people of working age. Thus, support is provided for initial and ongoing occupational training activities as well as any other activities necessary in order to bring the programme to a successful conclusion – that is, to enable participants to re-enter the workforce whilst keeping the social context in mind.

With respect to equality of opportunity, the European Social Fund supports two activities:

1. An ongoing training activity with a view to improving the employability of women re-entering the workforce;
2. An activity aimed at improving the quality of child-care services, and over the long term their availability.

The training activities are carried out by three non-profit organizations:

- Women in Need;
- Zarabina;

- Initiativ Rëm Schaffen ("Back-to-work Initiative").

In sum, training programmes for persons who are employed are well developed in terms of both supply and demand. This is particularly true in the case of employees of private companies who enjoy access to training programmes devised specifically to serve those companies' needs. The improvement in this area can be attributed to the implementation of the Framework-Law on ongoing occupational training and to the measures taken pursuant to the European Employment Strategy. The impact on women specifically cannot yet be gauged.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

66. Action plan on equal pay, a challenge for democratic and economic development

In the context of the European Union programme to implement the strategy-*cum*-framework for gender equality, an action plan has been developed under the responsibility of the Ministry for the Advancement of Women which provides for exchanging experiences and information on best practices, including information and training sessions focusing on inequalities that give rise to pay gaps, combined with cross-border workshops for social partners focusing on the classification of trades and occupations and on the principle of equality which is to be included in collective agreements and particularly in negotiations with respect to pay. Supplementary activities in conjunction with the action plan will consist of collecting statistical data and information from studies carried out in this area.

The action plan is being carried out in cooperation with Tripartite Coordination Committee partners, ministries, social partners and NGOs.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

67. Comparative study on the social-security system on the topic "Individualization in the social-security and tax system"

In 2000, the National Council of Women of Luxembourg [Conseil National des Femmes du Luxembourg] (CNFL) produced a report entitled "Descriptive and comparative study of the situation of women and men in the social-security and tax system", financed by the Ministry for the Advancement of Women.[1]

This report presents the context of the research study on the topic "Individualization in the social-security and tax system" with specific reference to the evolution of the status of women in civil and social law, the characteristics of Luxembourg's social-security and tax system compared with other countries' systems, and proposals as to reforms and cultural models.

The CNFL concludes its report by proposing three ways in which the social-security and tax system could develop in the future:

- By maintaining the existing structure based on marriage and rights-holders;

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[1] *Towards a system of individualized social-security and tax rights [Projection vers un système d'individualisation des droits sociaux et fiscaux]*, October 2000, Ministry for the Advancement of Women and National Council of Women of Luxembourg (ISBN 2-919876-35-X).

- By introducing individualization of rights, and recognizing the sharing of roles between women and men;

- By introducing individualization of rights with recognition of equality.

68. Bill 4887 to adapt the general pension scheme and special pension schemes

This draft legislation aims not only to raise the overall level of pensions but also to improve the situation of those who receive small pensions and to take account, in the setting of pension levels, of the work done by parents in rearing children.

Statistics on small pensions show that, of the 15,000 small pensions paid, most are being received by women who interrupted their work lives to devote themselves to the bringing up of their children and other family responsibilities.

Those who receive small pensions will benefit along with all other pension recipients from the general increase in pension levels called for under the bill. In addition, however, the bill will provide special relief for those who receive small pensions through:

- An increase in the minimum pension;

- Changes in the level of survivors' pensions. In particular, the bill calls for the pension paid to a surviving spouse not to be reduced from the level that would have been paid to the deceased rights-holder who acquired the pension entitlement if such pension falls below the minimum pension;

- Amendments to legislation concerning the guaranteed minimum income.

The work done by parents in bringing up their children will be taken into account in two ways:

- A child-rearing allowance will be granted to a parent, upon reaching the age of 65 years or upon the commencement of a personal pension, who devoted herself or himself to bringing up a child, provided that neither that person's pension nor the pension of her or his spouse includes an amount in respect of the so-called "baby year" child benefit for the child in question.

- Provisions governing the "baby year" child benefit will be revised to ensure that both that benefit and the child-rearing allowance produce the same monetary effect.

The individualization of pension rights will be discussed within a quadripartite working group to be set up in 2002 within the Ministry of Social Security. The Ministry for the Civil Service, the Ministry for the Advancement of Women and the National Council of Women of Luxembourg will be represented in the working group.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

69. Measures contained in the National Action Plans

The measures for reconciling the demands of work life and family life as listed below (National Action Plan for 1998, pages 46 et seq.) are measures included in the national employment strategy.

69.1 Parental leave

In pursuance of Council Directive 96/34/EC of the European Union, parental leave was established under the Law of 12 February 1999 which created parental leave and leave for family reasons (Law of 12 February 1999, article XXIV, paragraphs 1 to 18). This is the individual, non-transferable right of both the father and the mother to six months' full-time leave or 12 months' half-time leave, with a guarantee of employment at the end of the leave period.

A study in this connection carried out by the Ministry of Family Affairs, in cooperation with the National Family Benefits Fund [Caisse nationale des prestations familiales] and the Employment Administration reveals that:

- Parental leave has been very successful;
- Full-time leave is much more popular than part-time leave;
- Part-time leave is nevertheless increasing in popularity.

Reconciling work life and private life is not the only consideration in connection with parental leave,[15] for it is also a measure that helps provide jobs for the unemployed (in many instances, resulting in a short-term contract).

The following table shows the total number of parental leaves authorized from the moment this measure was introduced up to the end of November 2001.

Total number of parental leaves authorized

	All	Mothers	Fathers
Total as at December 2001	8 833 cases	7 834 cases	999 cases

Source: Ministry of Family Affairs

It is encouraging to see that use is being made of this measure. Indeed, the number of people benefiting from it is increasing month by month.

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[15] Joint document prepared by the Ministry of Family Affairs, the National Family Benefits Fund and the Employment Administration, February 2001, pages 2 and 3.

Parental leaves as at 31 December 2001			
Month and year	**Total paid leaves**	**Full-time leaves**	**Part-time leaves**
January 2000	1 488	1 073	415
January 2001	2 037	1 280	757
December 2001	2 297	1 393	904

Source: Ministry of Family Affairs

Although equality between women and men is firmly established in national legislation, *de facto* equality is still far from being achieved, and women continue to shoulder the bulk of family responsibilities even though they work outside the home.

Ninety per cent of parental leaves are taken by women, who show a strong preference for full-time leave. Among the remaining 10 per cent of parental leaves taken by men, the numbers of full-time leaves and part-time leaves are approximately equal.

The fact that the commercial and financial sectors are over-represented in regard to parental leave is not surprising, as these are sectors where the majority of employees are women.

Men should assume their share of household tasks so that household responsibilities are more equitably shared between spouses. Given that the second period of leave may be taken at any time until the child reaches the age of five years, it is still too early to assess the impact of parental leave on fathers. The Ministry of Family Affairs estimates that one third of fathers will take the parental leave to which they are entitled, whereas virtually all mothers will take the parental leave available to them.

Still, men who "dare" to take their parental leave – even though they are entitled to it – are often met with incomprehension on the part of their supervisors and co-workers.

Within companies, activities aimed at raising the awareness of managers are planned so as to lessen resistance to parental leave, particularly parental leave taken by men (National Action Plan for 2001, page 42).

Among the beneficiaries of parental leave there is a high proportion of cross-border workers from outside the country. This may be seen as a logical consequence of the fact that Luxembourg's workforce includes a large number of cross-border workers.

In January 2002, to motivate employers to encourage men to take parental leave, the Ministry for the Advancement of Women organized a symposium on the theme "Professional equality, parental equality" (see article 5, section 22).

69.2 Leave for family reasons

Leave for family reasons was established pursuant to the Law of 12 February 1999 (article XVIII, article 29 *ter* and article XXIV) for employees and civil servants who must stay with a child under 15 years of age who is seriously ill. The maximum duration of such leave is two days per child per year, which may be exceeded only in cases of extremely serious illness.

Only modest use has been made of this sort of leave; the reasons why are not known.

69.3 Expanded child-care facilities

The National Action Plan for 1998 (see page 46) called for the creation of 1,000 additional child-care spaces (see the National Action Plan for 1999, page 53).

The table that follows shows how the number of accredited day-care spaces provided by the Ministry of Family Affairs has risen in recent years.

Accredited FTE day-care spaces for children aged two months to over six years[16] [17]

1997	1998	1999	2000	2001	Increase since 1997
1 188	1 568	1 706	1 756	1 977	789 + 73.5 Total: 862.5
	+ 32 per cent	+ 7.8 per cent	+ 2.9 per cent	+ 12.6 per cent	+ 66.4 per cent

Source: National Action Plans

An increasing proportion of children are registered for full-time as opposed to half-time day-care.

Full-time and half-time registrations

Registrations	1998	1999	2000
Full-time	71.4 per cent	75.00 per cent	75.70 per cent
Half-time	20.5 per cent	20.21 per cent	18.35 per cent
Less than five half-days per week	8.1 per cent	4.79 per cent	5.95 per cent

Source: Ministry of Family Affairs

Of the total number of parents of children registered for accredited day-care, 42.49 per cent work full-time.

Since 2000, the Ministry of Family Affairs has been contracting for spaces in private day-care facilities, which it can then offer to low-income families for a small fee, pursuant to the announcement made on 10 May 2000 in the Prime Minister's State of the Nation address.

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[16] The table shows numbers of full-time equivalent (FTE) day-care spaces, each of which may be occupied by one child on a full-time basis or by two children on a half-time basis.

[17] In addition to the accredited day-care centres of the Ministry of Family Affairs, there are other day-care facilities whose numbers are not reflected in the table (private commercial day-care centres; and day-care centres operated by communes, businesses and European Union institutions).

Spaces in private day-care facilities for which the Ministry of Family Affairs has contracted	
2000	2001
58 full-time	76 full-time

Source: Ministry of Family Affairs

Since 2001, the Ministry of Family Affairs, in close cooperation with the communes, has been operating child-minding services outside school hours for children four to 12 years of age (supervision in the morning before classes begin; supervision at midday, with lunch; assistance with homework and recreational activities until 6.30 pm; activities during school holidays).

Pursuant to an agreement between the Ministry of Family Affairs and the communes concerned, the Government covers 50 per cent of the operating losses and 50 per cent of the infrastructure costs. The exact structure of the services varies depending on the service being provided: morning supervision, midday meal and supervision, assistance with homework, recreational activities, activities during school holidays. The provision of these services creates jobs in the community, and use is made of local resources in organizing recreational and sport activities.

The provision of day-care services for the children of a company's employees is a key element for achieving a proper balance of work life and family life for the company's staff.

In principle, the Ministry of Family Affairs provides assistance for child-care facilities established by a company or organization for its staff by offering technical advice and helping to defray infrastructure costs. Child-care facilities of this sort can be tailored to the employer's specific needs, such as unusual working hours (for example, in the case of hospitals) or a diversity of languages among the staff (for example, European institutions).

In cooperation with the Ministry for the Advancement of Women, the Ministry of Family Affairs helps to raise the awareness of private companies in regard to all sorts of positive actions that they might implement for their employees' children: these may include the establishment of a day-care centre, or a kindergarten, or a service to supervise children outside school hours.

Defrayal of travel and child-care costs

For any single parent whose income is less than or equal to 1.5 times the minimum salary for unskilled workers, the Government will cover associated travel and child-care costs when that person takes a training course (see the Law of 12 February 1999, article 45; and the National Action Plan for 1998, page 49).

Since 1 March 1999, when the Law went into effect, nine women have received benefits under this provision. The reasons why so few people have made use of the provision are not known.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

70. Protection during pregnancy

Two points are worth noting in this connection:

- First, the Law of 7 July 1998, which amended the Law of 3 July 1975 with respect to (1) maternity safeguards for working women and (2) the amendment of article 13 of the Social Insurance Code; and

- Second, the Law of 1 August 2001 with respect to protection for workers who are pregnant, have recently given birth or are breastfeeding, which supersedes the aforesaid Law of 3 July 1975 (see article 4, section 17).

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technical knowledge and shall be revised, repealed or extended as necessary.

Article 12. Health

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

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1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

The present situation is described in the paragraphs that follow.

71. Life expectancy

Life expectancy at birth is 79.6 years for women and 73.5 years for men (according to data from 1995-97). Since the early 1980s, life expectancy has increased 2.9 years for women and 3.5 years for men. The gap between men and women has narrowed slightly.

However, the gap between men and women for life expectancy at 70 years of age has widened: the life expectancy of women 70 years of age has increased 2.3 years (from 13 years to 15.3 years), whereas the life expectancy of men 70 years of age has increased by two years (from 9.9 years to 11.9 years).[18]

72. Overall mortality

The overall mortality rate, which has been lower than 10 per thousand since the early 1990s, is continuing to decline steadily for both men and women. The gap between the mortality rates for men and women is narrowing, although the rate for women is still lower than that for men.

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[18] Central Statistics and Economic Research Service [Service Central de la Statistique et des Études Économiques] (STATEC), *Annuaire statistique 2000 [Statistics Yearbook, 2000]*.

The principal causes of death are the same for both sexes, namely:

- Diseases of the circulatory system, chiefly heart attack and stroke;
- Cancer;
- External causes.

Over the past 15 years, the proportion of deaths due to diseases of the circulatory system has fallen while the proportion due to cancer has risen in both men and women. The proportion due to external causes has increased among men but decreased among women.

The distribution of the main causes of death is different in the case of premature death (death before 65 years of age). Here, external causes are the number-one cause of death for those under 25 years of age, among both women and men, while cancer is the number-one cause of death for women in the 25-to-64-years age group; the incidence of cancer as the cause of death is particularly high for women in the 45-to-64-years age group.

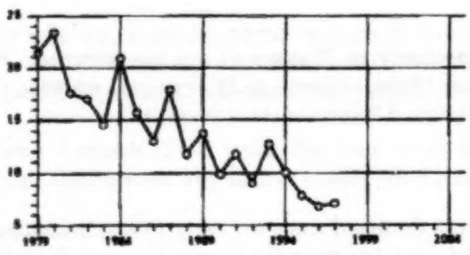
73. Deaths due to diseases of the circulatory system

Among men, premature death (death before 65 years of age) due to diseases of the circulatory system has fallen 45 per cent over the past 20 years. The decline has been greater for deaths from heart attacks than for deaths from strokes.

Changing patterns in the occurrence of premature deaths due to heart attack are more favourable among women than among men, while the reverse is true for premature deaths due to stroke.

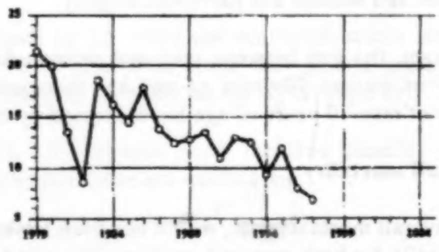
Deaths due to diseases of the circulatory system have also declined in the over-65-years age group, but to a lesser extent.

Rates of premature death (0 tp 64 years of age) among women due to heart attack. Standardized rates per 100,000 persons



Source: World Health Organization, "Health for All" database

Rates of premature death (0 to 64 years of age) among women due to stroke. Standardized rates per 100,000 persons

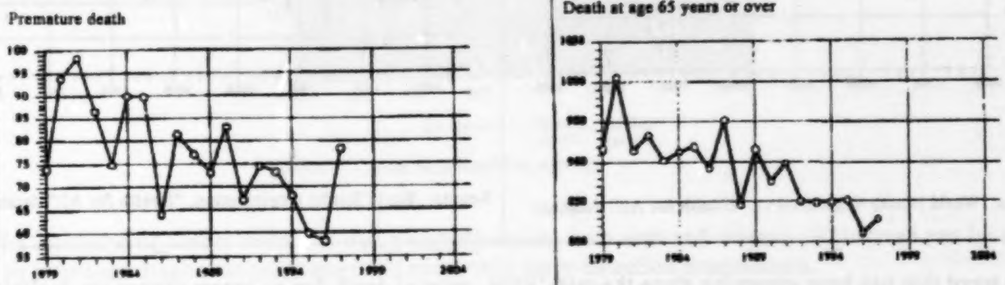


Source: World Health Organization, "Health for All" database

74. Deaths due to cancer

From 1979 to 1997, both total mortality and premature mortality due to cancer fell. The decline was greater for premature mortality than for total mortality, and was more pronounced among women than among men.

Rates of death among women due to cancer.
Standardized rates per 100,000 persons



Source: World Health Organization, "Health for All" database

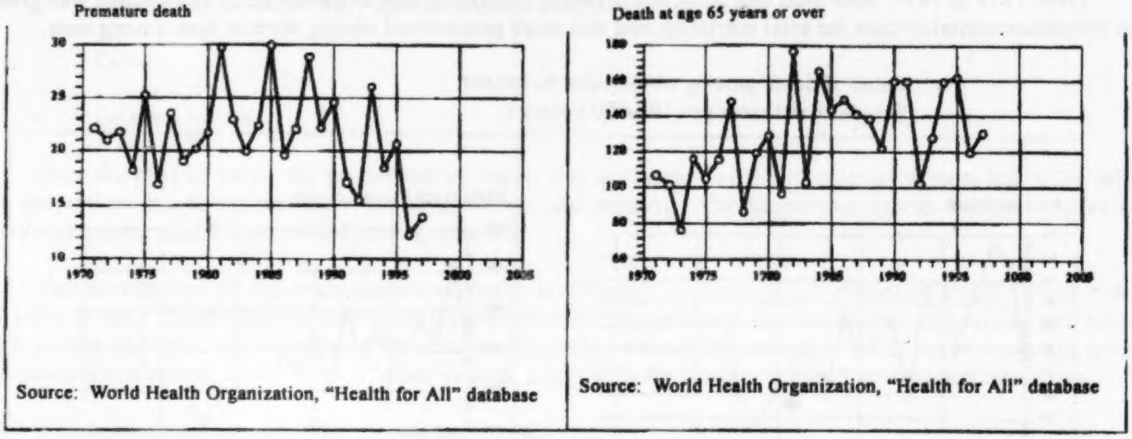
Source: World Health Organization, "Health for All" database

According to data from the years 1998 to 2000, the most common cancers causing death among women are:

- **Breast cancers (16.5 per cent);**
- **Colorectal cancers (14.6 per cent);**
- **Lung cancers (10.6 per cent);**
- **Cancers of the reproductive system (ovarian, uterine and cervical cancers, 6.2 per cent).**

The clearest trends evident in the past 10 years have been a decline in the percentage of breast cancers and a rise in the percentage of lung cancers.

Rates of death among women due to breast cancer.
Standardized rates per 100,000 persons



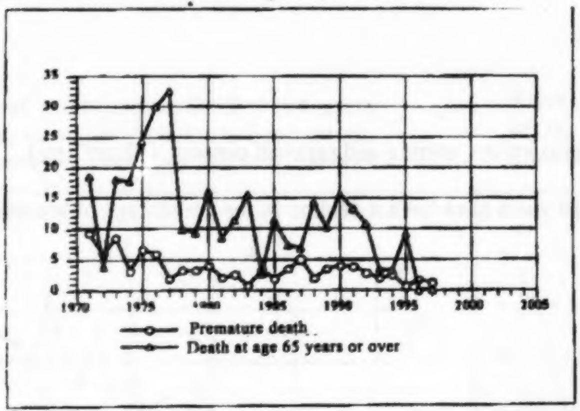
Source: World Health Organization, "Health for All" database

Source: World Health Organization, "Health for All" database

In a trend that has been emerging since the mid-1990s, rates of death due to breast cancer are declining only among those under 65 years of age. Death rates are increasing among those over 65 years of age. The decline in the rate of premature death may be an initial result of the national mammography programme for the early detection of breast cancer.

Cervical cancer has been declining steadily.

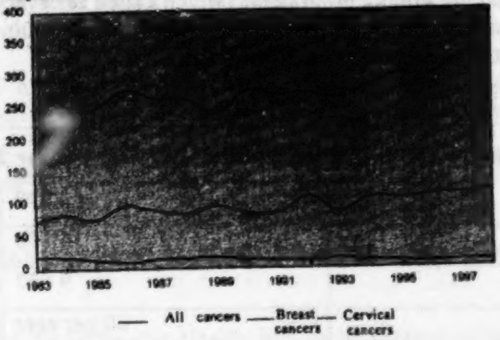
Rates of death among women due to cervical cancer.
Standardized rates per 100,000 persons



Source: World Health Organization, "Health for All" database

Since 1964, when the programme for the early detection of cervical cancer was established, the rate of death due to such cancers has fallen to a very low level. Death rates continue to decline steadily in respect of both premature death and death at age 65 years or over.

Incidence of all cancers, breast cancers and cervical cancers.
Adjusted standardized rates per 100,000 persons (European population)

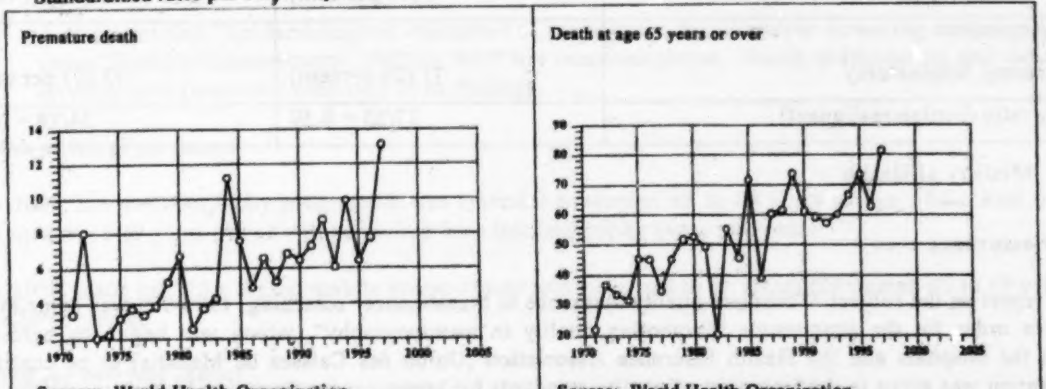


Source: Cancer data reporting records

The incidence of cancer overall is rising slightly among both men and women. This trend can be explained in part by improved diagnostic techniques and systematic early-detection programmes.

So far as breast cancer is concerned, the clearest change in the year-to-year pattern coincides with the launch of the national mammography programme for the early detection of breast cancer in 1992. The pattern seems, then, to reflect the advent of improved screening.

Deaths among women due to lung cancer.
Standardized rates per 100,000 persons


Premature death

Death at age 65 years or over

Source: World Health Organization, "Health for All" database

Source: World Health Organization, "Health for All" database

Lung cancer ranks as the number-one cause of cancer deaths, and is the cause of death of three times as many men as women (according to data for the years 1998 to 2000). Although the death rate from lung cancer has declined slightly among men over the past 20 years (from 1978 to 1997), it has risen sharply among women. The increase is even greater in the case of premature death (death before 65 years of age).

Early cancer detection

From the beginning of the mammography programme (which called for every woman resident in the country to undergo mammography screening every two years) until the end of 2000, 71,047 mammographies were performed and 32,776 women participated in the programme at least once.

Results for 1999, and some preliminary results for 2000

	1999	2000
Number of invitations issued	16 190	17 615
Number of women taking part	9 677	10 538
Participation rate	60 per cent	60 per cent
Recall rate for a diagnostic procedure	7.44 per cent	6.59 per cent
Physicians consulted		
– Gynaecologists	82 per cent	83 per cent
– Generalists	15 per cent	14 per cent
– Internists and others	3 per cent	3 per cent
Cancers detected	55	81
Cancer detection rate	5.7 per thousand	7.7 per thousand
Invasive cancers detected	49 (89 per cent)	62 (79 per cent)
Isolated cancers detected	6 (11 per cent)	16 (21 per cent)
Surgery: Mastectomy, lumpectomy	71 (29 percent)	73 (27 per cent)
Biopsy ratio (benign/malignant)	27/55 = 0.50	24/78 = 0.30

Source: Ministry of Health

Quality assurance

A report on the subject "Technical quality assurance in breast-cancer screening, 1998-99" was completed in 2000. In order for the programme "Promoting quality in mammography", which was begun by agreement between the hospitals and the Health Insurance Association [Union des Caisses de Maladie] to be continued, consideration was given to drafting a set of quality standards for breast-cancer screening by mammography. The aim in establishing such a set of standards would be to support efforts to raise and maintain the quality of breast-cancer screening under the "Promoting quality in mammography" programme, while ensuring that each mammography centre would retain responsibility for assuring the quality of the mammography process.

Prone stereotactic biopsy table

A digitized table for performing stereotactic microbiopsies has been installed in a clinic in the city of Luxembourg. Access is assured for every woman who meets the criteria that the experts in the area have laid down.

Ongoing training

Sessions are continuing to be held in which the mammography programme's expert radiologist meets with several technical assistants in mammography to review breast-cancer screening results.

In addition, those in charge of the mammography programme regularly participate in conferences and training programmes abroad, as well as the annual conferences of the European and international mammography network.

Awareness campaigns

- Conferences on the theme of the mammography programme, menopause and osteoporosis have been held in various locales;
- Arrangements have been made for the Health Bus to be present at various events that attract large numbers of people (farmers' markets, craft fairs, flea markets, etc.);
- A survey has been conducted of women who have not availed themselves of the mammography programme in spite of having been sent four invitations (2,500 women in all), in order to determine the reasons why they have not taken part. The responses will be evaluated in the first quarter of 2001;
- A website (at <http://www.etat.lu/MS/MAMMO>) has been set up in both French and English (with German to come) in order to provide information for the general public and health professionals alike and raise their awareness in this area;
- Brochures and posters on the themes "Do you think about your own well-being?" and "Cancer in women" have been circulated.
- A study entitled "Epidemiological evaluation of the national breast-cancer screening campaign in the Grand Duchy of Luxembourg, 1992 to 1997" has been completed. Health professionals and radiology services have received a summary of its findings.

Extension of the programme

In 2001, the mammography programme was extended to women 65 to 69 years of age: from now on, all women aged 50 to 69 years of age will be invited for a mammography every two years.

In 2002, plans call for a digital mobile breast-cancer screening unit to be set up for women 45 to 49 years of age, as a pilot project.

Screening for cervical cancer

The early detection programme for breast cancer includes precautionary screening for cervical cancer, so that improved coverage of women in the target group for the mammography programme ought to result. And indeed, the number of cytological tests performed by the Clinical Cytology Division of the National Health Laboratory has increased.

Early detection of colon cancer

Colon cancer ranks as the number-two cause of cancer deaths, and a programme to encourage its early detection was introduced in 2000, with an effort to circulate information and raise awareness among physicians and the public, the introduction of Hemoccult testing among general physicians, internists and gastroenterologists, and the establishment of a National Centre for Hemoccult Reading within the National Health Laboratory to evaluate the incidence of colorectal cancers following a positive Hemoccult test.

Promotion of a healthy lifestyle

Systematic campaigns aimed at the general public and young people in particular are being carried on to encourage people to maintain a healthy lifestyle and, in particular, to promote proper diet and regular physical activity and to prevent substance abuse (tobacco, alcohol, drugs).

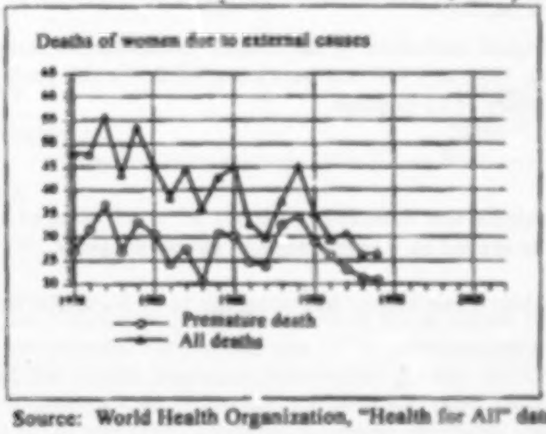
The first anti-smoking campaign specifically aimed at women was launched by the Luxembourg Cancer Foundation [Fondation luxembourgeoise contre le Cancer] in 2001.

75. Deaths due to external causes

During the period from 1998 to 2000, one third of deaths due to external causes occurred among women. Of the various external causes of death, the most common are traffic accidents and suicides; but these were the areas in which women accounted for the lowest proportion of deaths (22.8 per cent of deaths in traffic accidents and 26.3 per cent of deaths by suicide).

Note: Suicides include deaths from self-inflicted injuries, regardless of the intent.

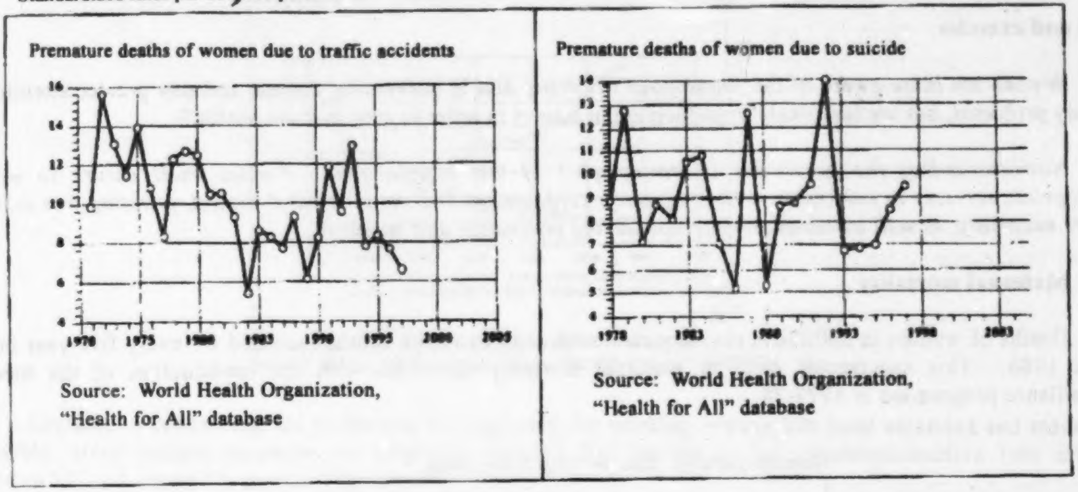
Deaths due to external causes. Standardized rates per 100,000 persons



Source: World Health Organization, "Health for All" database

Over the past 20 years, the overall death rate due to external causes has fallen 40 per cent among women, while the rate of premature death among women has fallen rather less (22.6 per cent). This compares with a somewhat smaller decline in the rate of premature death due to traffic accidents. The rate of premature death due to suicide is declining slightly faster than the overall death rate due to suicide.

Premature deaths due to traffic accidents and suicides.
Standardized rates per 100,000 persons



Premature deaths of women due to traffic accidents

Source: World Health Organization, "Health for All" database

Premature deaths of women due to suicide

Source: World Health Organization, "Health for All" database

76. Behaviours that have an impact on health

Tobacco and drug abuse

The proportion of the female population that smokes is holding fairly steady, while the proportion of the male population that smokes is declining. The gap between the two is narrowing.

Proportion of the population 15 years of age and over that smokes, by sex				
	1987	1993	1998	2000
Proportion that smokes	33 per cent	29 per cent	32 per cent	30 per cent
Men	41 per cent	32 per cent	39 per cent	34 per cent
Women	25 per cent	26 per cent	27 per cent	26 per cent

Source: Luxembourg Cancer Foundation [Fondation luxembourgeoise contre le Cancer], Institute of Market Research and Opinion Surveys. Surveys conducted in 1987, 1993, 1998 and 2000

The situation is more alarming among young people. A recent study on young people's health (the first of its kind to be done in Luxembourg)[19] revealed that 25 per cent of students between 12 and 20 years of age smoke every day. The proportion of regular smokers is slightly higher among girls (25.8 per cent) than among boys (24.5 per cent). At 18 years of age, the proportion of girls who smoke regularly is significantly higher than the proportion of boys (39.6 per cent to 35.2 per cent).

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[19] Dr Yolande Wagener. *The health of young people in Luxembourg. Legal and illegal drugs* [*L'état de santé des jeunes au Luxembourg. Drogues légales et illégales*]. Graduating thesis for the diploma programme in public health. School of Public Health, Faculty of Medicine, Henri Poincaré University, Nancy, 1999-2000.

The proportion of drug abusers who are women has held steady since 1994 (in 1999, the proportion was 23 per cent).[20]

Diet and exercise

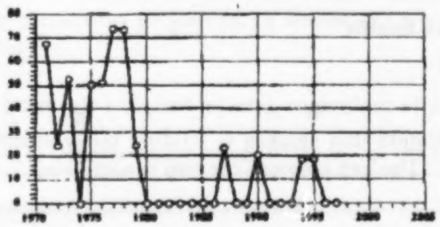
Women are more aware of the importance of proper diet in preventing disease and pay greater attention to dietary problems, but are less likely to participate in a sport in order to stay in good health.[21]

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

77. Maternal mortality

Deaths of women in childbirth are very rare, with only two such deaths recorded for every five-year period since 1986. This spectacular drop in maternal mortality coincides with the introduction of the medical surveillance programme in 1977-78.

Maternal mortality. Rate per 100,000 live births



Source: World Health Organization,
"Health for All" database

Comment: Since 1987, maternal deaths have averaged one per year.

A survey of women's expectations in regard to pregnancy and childbirth[22] revealed that all the women interviewed had been under medical surveillance during their pregnancy. However, 46 per cent of the mothers-to-be had not had contact with a midwife during their pregnancy and only 35 per cent had participated in childbirth preparation courses. A possible increase in the number of at-risk pregnancies may be associated with higher maternal age at the time of childbearing.

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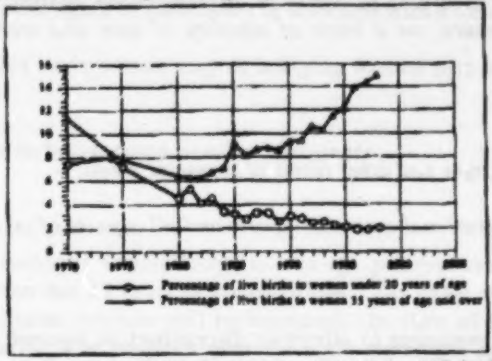
[20] Alain Origer. *National report on drugs and drug addiction in Luxembourg* [*Rapport national sur l'état du phénomène des drogues et des toxicomanies au Grand-Duché de Luxembourg*] (RELIS 2000 report). National focal point for the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Health Directorate, Ministry of Health.

[21] Anne Aubrun. *Do Luxembourgers think they are in good health, and what are they doing to stay that way? [Les Luxembourgeois se sentent-ils en bonne santé et que font-ils pour la préserver?].* CEPS/INSEAD. PSELL document No. 108, 1997.

[22] Ministry of Health, Institute of Market Research and Opinion Surveys. *Women's expectations regarding pregnancy and childbirth* [*Les attentes des femmes concernant la grossesse et l'accouchement*]. Internal document, 1996.

Births to women under 20 years of age and over 35 years of age (percentages)



Source: World Health Organization, "Health for All" database

Legislation concerning the protection of pregnancy for working women has been amended and made more flexible, since certain measures or originally enacted had proven to be counterproductive (see article 4, section 17, and article 11, section 70).

78. Beijing+5

The Government's intentions with respect to priority area 3 of the strategy-*cum*-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001) are outlined below.

Priority area 3: Health

An equal relationship between women and men in regard to shared responsibility for sexual relations and procreation must be founded on mutual respect and the sharing of the consequences of sexual behaviour.

Sexual violence, including physical and psychological violence, traffic in women and sexual exploitation all subject women and girls to risks of physical and psychological trauma, disease and unwanted pregnancy. Domestic violence is by no means a minor phenomenon, and it has health consequences for those who are its victims.

- Programmes to promote the health of women in different age groups and different social groups: lessening of risk factors, prevention and early detection, mental health;
- Research on women's health, mortality and morbidity (chronic diseases), risky behaviours (drug addiction, sexually-transmitted diseases, etc.);
- Awareness-raising and information activities aimed at young people in regard to sexual conduct and responsible procreation;
- Assistance, shelter and follow-up for victims of violence;
- Protection of pregnant women in the workplace.

Article 13. Economic and social life

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

79. National Action Plan on Social Inclusion (2001 to 2003)

At the meeting of the European Council held in Lisbon in March 2000, the European Union established a new strategic objective for the coming decade: to become the most competitive and most dynamic knowledge economy in the world, capable of achieving sustained economic growth coupled with a quantitative and qualitative enhancement of work and greater social cohesion. The promotion of social integration is a pillar of that global strategy. At the Nice Summit held in December 2000, the member states of the European Council agreed on the objectives to be met within the framework of national action plans on social inclusion.

Within the context of the measures set forth in Luxembourg's National Action Plan on Social Inclusion, it is stated that one of the objectives of the fight against poverty and the social exclusion that accompanies it will be implemented by means of cross-sector policies that focus in particular on promoting equality between men and women[23] (see the United Nations Convention on the Elimination of All Forms of Discrimination against Women, contribution from the Ministry of Family Affairs, Social Solidarity and Youth dated 14 September 2001).

80. Waiver in respect of participation in activities with a view to entering the workforce, with reference to the guaranteed minimum income

According to the Law of 29 April 1999, the objective of activities with a view to entering the workforce is to enable the beneficiaries of such activities to participate in active working life and to escape a situation that risks leaving them in poverty. The granting of a waiver in respect of participation in such activities constitutes an exception to that principle, and can be justified if the beneficiary of such activities is responsible for the rearing of one or more children. In the years before the Law was amended, such waivers were virtually automatic.

Under this new provision, it is possible for a woman who is rearing one or more children by herself, and who consequently finds it impossible to participate in activities with a view to entering the workforce, to be granted such a waiver whilst continuing to receive the guaranteed minimum income.

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[23] National Action Plan on social inclusion, Grand Duchy of Luxembourg, page 30.

Bearing in mind the objective of activities with a view to entering the workforce, it must be stressed that such a waiver is optional. At any time that the needs of the child or children are no longer sufficient to justify the waiver, the beneficiary is once again to participate in activities with a view to entering the workforce.

This change represents an important step in bringing women who are responsible for rearing children back into active working life.

81. Measures[24] relating to low-income pension recipients

Measure No 1

Within the Grand Duchy of Luxembourg, no old-age pension may be less than 90 per cent of the basic amount if the insured person has 40 years of contributions. The basic amount will be increased by 4.8 per cent, which means that the minimum pension will be increased. In view of this percentage increase and the various increases in flat-rate benefits, it is proposed that the scale increment applicable to all pensions be raised from 1.78 per cent to 1.85 per cent.

Measure No 2

With regard to pensions that are small because the insured person's contribution period was less than 40 years, the measure proposed by the Minister of Family Affairs is that the level of the guaranteed minimum income be increased for both active and retired persons by raising the ceiling on the proportion of income counted as eligible income from 20 per cent to 30 per cent.

Measure No 3

Upon the death of a beneficiary, the amount of his or her estate not subject to inheritance taxes will be raised to seven million francs.

Although these measures apply equally to men and women, they will be of particular benefit to women whose working careers have been interrupted and hence whose years of making pension contributions have been curtailed. In this context, there are two further measures worth mentioning which are aimed at improving the situation of surviving spouses of pension recipients:

- With respect to survivors' pensions, the pension paid to a surviving spouse will no longer be reduced if the deceased spouse was receiving or entitled to receive a minimum pension.
- The provisions that set an aggregate limit on survivors' pensions in cases where there are pensions paid to a surviving spouse and to surviving children will be abolished.

82. Updating of the general pension insurance scheme: the Law of 6 April 1999

The Law of 6 April 1999 made a number of amendments to the general pension insurance scheme aimed at improving coverage in respect of old-age security, disability and death for persons who have interrupted their working careers for family reasons:

- Provisions governing the counting of years for the so-called "baby year" child benefit were made more flexible. This benefit, which was introduced by the Law of 27 July 1987, provides for the Government to pay insurance premiums for a period of up to 48 months provided that the applicant has made a minimum of 12 months of mandatory insurance contributions during the 36 months preceding the month in which the child was born or adopted.

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[24] These measures, which were taken on 1 January 1998, have yet to be adopted by the Chamber of Deputies.

The Law of 6 April 1999 allowed parents to split the "baby year" benefit between them and eliminated the deadline for applying for it. In addition, the basis for determining the amount of the contributions to be paid by the Government was changed to make it more favourable to beneficiaries. The basis is now determined from the average insurable income during the 12 months immediately prior to the birth or adoption.

- Optional supplemental pension insurance was introduced. Persons wishing to obtain this voluntary supplemental insurance must meet the following conditions:
    - They must not perform any paid work, or must have cut back on the amount of paid work they perform, for family reasons;
    - They must be resident in Luxembourg;
    - They must be under 60 years of age and have been affiliated to the Luxembourg pension insurance scheme for a minimum of 12 months;
    - They must not be entitled to a personal pension;
    - They must satisfactorily pass a medical examination.
- The Law also provides for retroactive coverage, in which case a person may buy back periods of time during which he or she ceased or cut back his or her paid work for family reasons. The eligibility criteria that apply are the same as those set forth above with respect to optional supplemental pension insurance.

  In addition, the Law provides for the possibility of paying back contributions that have been previously refunded. It should be noted that the current legislation no longer provides for the possibility of obtaining a refund of pension insurance contributions in the case of a person under 65 years of age, and allows such a refund only if the person in question does not meet the conditions for receiving a pension.
- The method for calculating insurance periods for purposes of pension insurance coverage has been improved, which benefits people working part-time. Prior to the new Law, if a person worked fewer than 64 hours in a month, those hours were not counted for determining the requisite contribution periods giving rise to a pension entitlement; under the new Law, however, such hours are recorded and carried forward until the month in which the cumulative total of hours reaches 64. That month is then counted as one month for purposes of pension insurance coverage.

The following measures were amended by the Law of 28 July 2000 on the coordination of legal pension schemes:

- Eliminating the one-year time period for paying back contributions previously refunded;
- Establishing an age limit, set at 65 years, for paying back contributions;

- Eliminating the requirement of satisfactorily passing a medical examination in order to pay back contributions or retroactively buy back pension insurance eligibility periods;

- Raising the age limit to 65 years for taking out optional supplemental insurance and for buying back pension insurance eligibility periods.

Round-table on Pensions

In his address of 10 May 2000 on the country's economic, social and financial situation, the Prime Minister announced that a Round-table on Pensions ("Rentendësch") would be held.

The following measures were agreed upon at the Round-table.

(i) Measures to benefit low-income pension recipients

From the discussions that took place at the Round-table on Pensions, it was evident that small pensions – whether in the case of persons who had in fact made 40 years' worth of contributions or in the case of persons who had not managed to make 40 years' worth of contributions – were an issue that posed a real challenge to society and that had to be dealt with by appropriate means. In particular, the Round-table expressed its support for the following measures:

- So far as the minimum pension is concerned, the increase in the base amount is 4.8 per cent, which will raise the amount of the pension to match the minimum salary.

- In regard to the small pensions resulting from the fact that the insured person has a pension contribution period of less than 40 years, the Round-table on Pensions supported the measures proposed by the Minister of Family Affairs to the effect that the guaranteed minimum income for both active and retired persons would be increased by raising the ceiling on the proportion of income counted as eligible income to 30 per cent. The total cost of this measure would be 200 million francs, to be charged to the national budget.

- Upon the death of a beneficiary, the amount of his or her estate not subject to inheritance taxes would be raised to seven million francs.

The following measures will be of particular benefit to women whose working careers have been interrupted and hence whose years of making pension contributions have been curtailed.

- Still in the area of minimum pensions, provisions regarding survivors' pensions will be amended so that the pension paid to a surviving spouse will no longer be reduced if the deceased spouse was receiving or entitled to receive a minimum pension.

- The provisions that set an aggregate limit on survivors' pensions in cases where there are pensions paid to a surviving spouse and to surviving children will be abolished.

The financial impact of the last two measures will be approximately 400 million francs.

(ii) Measures to benefit women who devote themselves to bringing up their children

The Round-table on Pensions supported the following proposed measures, provided that their cost was defrayed out of the national budget:

- Extension of the "baby year" child benefit to cover births prior to 1 January 1988;
- Establishment of a child-rearing allowance on the order of 3000 francs per month for each child, to be paid to women not eligible for the "baby year" child benefit.

The implications of these two measures, their consistency with other related measures and the particulars of how they would be implemented have still to be examined.

The measures agreed upon at the Round-table on Pensions were incorporated in bill 4887 to adapt the general pension scheme and special pension schemes.

83. Beijing+5

The Government's intentions with respect to priority area 1 of the strategy-*cum*-framework and the National Plan of Action for the Implementation of the Gender Equality Policy (June 2001) are outlined below.

The causes of poverty and social exclusion which affect women more than men are varied in nature and, among other things, they are structural. Changes in the world economy and the Luxembourgian economy affect and alter the situation of women. Women continue to share unequally in economic power and decision-making. The impoverishment of women is linked to the low extent of their participation in economic resources and their lack of independence. Social benefit schemes based on the principle of continuous paid employment do not adequately take into account the situation of women who have interrupted their working careers as a result of an unbalanced division of paid and unpaid work between women and men. Once they reach a certain age, women face great obstacles in re-entering the job market. Moreover, as divorce becomes more common, women often find themselves in a situation where they are ineligible for social benefits.

Furthermore, the development of new technologies and the rise of the information society may well speed up the process of excluding people who do not work outside the home from the job market. Any social agenda must provide for initial and ongoing training in the new technologies as a means of assuring the social and economic inclusion of women, and must include a social benefit structure that prevents social exclusion.

- Establishment and implementation of an action plan to combat social exclusion;
- Research and studies on the individualization of social-security and tax rights;
- Simultaneous introduction in the private and public sectors of the sharing of pension rights, without retroactive effect.

Article 14. Rural women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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84. The Law of 24 July 2001 concerning support for rural development

The aim of the Law of 24 July 2001 concerning support for rural development is to promote agriculture that is multifunctional, sustainable and competitive, in accordance with the principles of the Common Agricultural Policy, in combination with the integrated development of rural areas and, *inter alia*, to help eliminate inequalities and promote equality of opportunity between men and women (article 1).

Article 15. Equality before the law

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

No new measures have been adopted in this area.

Article 16. Personal and family rights

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

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1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women

85. Provisions governing the patronymic name

In response to requests by married women concerning the retention of their patronymic name in official records, given the custom that obtains of adding the husband's family name, the Minister for the Advancement of Women submitted a request to the Ministry of the Interior asking for clarification of this custom.

The reply from the Ministry of the Interior made it plain that, under the legislation in force, a wife does not acquire the family name of her husband upon marriage. On the contrary, she retains the name she was given at birth by virtue of article 1 of the Decree of 6 Fructidor II†, which provides that no citizen may use a family name or given name other than those stated in the citizen's birth registration record. Accordingly, there is no law or regulation that establishes the obligation to have the husband's name inscribed in official records.

On 13 September 2001, the Ministry of Justice tabled bill 4843 concerning the patronymic name of children before the Chamber of Deputies (Chamber of Deputies, 2000-01 regular session).

The patronymic name, as a component of Civil Registry records, is in principle assigned to a person on the basis of his or her filiation. This assignment varies depending on the nature of the filiation – legitimate, illegitimate or adoptive.

In our country, as in neighbouring countries, legitimate children usually take their father's family name. This rule is rooted in custom.

The rules governing the family name of an illegitimate child vary depending on whether or not the child's filiation has been established. Pursuant to article 334-2 of the Civil Code, the principle followed is that an illegitimate child takes the family name of the parent with respect to whom the child's filiation is first established. If the child's filiation is established simultaneously vis-à-vis both parents, then the child takes the family name of the father. Consequently, the rules for assigning a family name to an illegitimate child do not take any account of whether the parents make their home together. It should be noted, however, that the existing legislation provides several possibilities for changing the initial family name assigned to an illegitimate child (see articles 334-2, 334-3 and 334-5, sub-paragraph 1 of the Civil Code).

Thus, most children are given the family name of their father at birth. This practice, which is rooted in our country's history, is based on the principle of the father and husband being considered the head of the family.

This rule is today called into question because of our international commitments, under which we are called upon to renounce any discrimination based on sex, and the constitutional principle which ordains the equality of Luxembourgers before the law.

The bill's key provisions are as follows:

- **A child may have the family name of either the father or the mother;**
- **For legitimate children, the family name to be given to them will be decided by the parents when they marry;**

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† Translator's note: The date of 6 Fructidor II is expressed according to the Republican calendar adopted following the French Revolution. It denotes the sixth day of the twelfth month of the second year of that calendar, and corresponds to 23 August 1794 in the Gregorian calendar.

- If the parents cannot agree on the family name to be given to their child, the child will be given the family name of the parent that comes first in alphabetical order;

- Children that have the same father and mother will have the same patronymic name.

The new rules will apply not only to legitimate children but also, mutatis mutandis, to illegitimate and adoptive children.

The new provisions will be incorporated into the Civil Code (principally in article 57).

The text of the bill reads as follows:

Article I. The following articles of the Civil Code are hereby amended or supplemented as indicated:

(1) Article 56. The birth of a child shall be registered by one of the parents or, in their stead, by the physicians, midwives or other persons in attendance at the birth.

The birth registration record shall be drawn up immediately.

(2) Article 57. The birth registration record shall indicate: the date, time and place of birth; the sex of the child; the family name and forenames given to the child; and the forenames, family names, occupations and domiciles of the father and mother, and their dates and places of birth to the extent that they are known.

If the filiation of the child is established simultaneously with respect to both parents, the parents shall choose the family name to be given to the child. The child may be given the family name either of his or her father or of his or her mother. If the parents are unable to agree on the family name to be given to the child, the child shall be given the family name of the parent that comes first in alphabetical order.

If the filiation of the child is not established simultaneously with respect to both parents, the child shall be given the family name of the parent with respect to whom his or her filiation was established first.

If the filiation of the child is established with respect to only one parent, the child shall be given the family name of that parent.

Children born to the same father and mother shall have the same family name.

If, in the case of an illegitimate child, either parent is not identified or both parents are not identified to the Civil Registry official, no indication of this fact shall be entered in the records.

If the birth registration record that has been drawn up pertains to an illegitimate child, the Civil Registry official shall so notify the corresponding guardianship judge for the place of birth. If both the child's father and mother are unknown, such notice shall be given within 24 hours.

(3) Article 76. A marriage registration record shall indicate:

- The forenames, family names, occupations, places and dates of birth, and domiciles of the husband and wife;

- The forenames, family names, occupations and domiciles of their fathers and mothers;

- The consent of the fathers and mothers, grandfathers and grandmothers, family council or ad hoc guardian, where such consent is required;

- The forenames and family names of any previous spouses of the husband and wife;

- The publication in the respective domiciles of notice of intent to marry;

- The choice of family name to be given to children of the marriage, pursuant to article 57, paragraphs 2 and 5.

- The declaration by the couple contracting marriage that they take each other to be husband and wife, and the proclamation by the public official that they have been united in marriage.

In the birth registration records of both the husband and wife, a marginal notation shall be added to the effect that the marriage has taken place.

A summary record of the marital agreements entered into by the husband and wife shall be filed, through the offices of the notary responsible for handling them, with the Office of the Public Prosecutor; and in the event that no such summary record is filed, the clauses establishing exceptions to common law may not be invoked with respect to third parties who enter into contracts with the husband or wife without being aware of such agreements.

(4) Article 79-1. If a child dies before his or her birth has been registered with the Civil Registry, the Civil Registry official shall draw up a birth registration record and a death registration record upon receiving a medical certificate stating that the child was born alive and was viable and indicating the dates and times of the child's birth and death.

In the absence of a medical certificate as referred to in the foregoing paragraph, the Civil Registry official shall draw up a registration record for a lifeless child. This record shall be entered on the corresponding date in the death registration records, and shall indicate: the date, time and place of birth; the sex of the child; the family name and forenames given to the child; and the forenames and family names, occupations and domiciles of the father and mother, and their dates and places of birth to the extent that they are known. The record thus drawn up shall not state whether the child had ever lived; any interested party may submit the matter to the corresponding district tribunal for investigation.

(5) Article 321. A child shall be considered to possess legitimate status if the appropriate facts are presented to demonstrate the filiation and relationship between an individual and the family to which that individual is said to belong.

The possession of legitimate status must be continuous.

The principal facts to be presented are:

- That the individual has always borne the family name of the father or the mother of whom the individual is said to be the child;

- That the father and mother have always treated the individual as their child and that the individual has always treated them as his or her father and mother;

- That they have, in that capacity, provided for the individual's education and upbringing, maintenance and establishment;
- That the individual is recognized as their child within society and within the family;
- That public authorities consider the individual to be such.

(6) Article 334-2. A child is considered to be illegitimate according to the rules set forth in article 57.

If the filiation of an illegitimate child is established simultaneously with respect to both parents, the parent who registers the child's birth with the Civil Registry official pursuant to article 56 shall provide that official with a joint statement signed by both the child's parents indicating the family name to be given to the child.

(7) Article 334-3. The family name of an illegitimate child may be changed by substitution from the name he or she initially was given to the name of the other parent, even if the child's filiation to that other parent was established at a later time if, while the child is a minor, both his or her parents present a joint statement to the guardianship judge for the purpose of changing the family name. Such a change shall be entered as a marginal notation on the child's birth registration record. For this purpose, the guardianship judge shall transmit a copy of the parents' statement, as authorized, to the Civil Registry official of the child's place of birth.

If the child is over 15 years of age, his or her personal consent shall be required.

(8) Article 334-5, sub-paragraph 1. In the absence of established paternal or maternal filiation, the husband of the child's mother or the wife of the child's father may, by substitution, give his or her own family name to the child of his or her spouse by presenting a joint statement with his or her spouse – i.e., with the child's mother or father – in the manner prescribed in article 334-3 above.

(9) Article 359. When a child is adopted, he or she shall be given the family name of the adopting parent.

If a child is adopted by a husband and wife, the family name given to the adopted child shall be determined according to the rules set forth in article 57.

If the adopting parent is a married person, the court may, in the adoption decision, require the consent of the adopting parent's spouse in order to permit the latter's family name to be given to the adopted child.

If a married person adopts the child of his or her spouse, the adopted child shall retain his or her family name. If so requested, the court may give the adopted child either the family name of the adopting parent or the family name of the adopting parent's spouse.

At the request of either or both adopting parents, the court may change the forenames of the adopted child.

(10) Article 368-1. If a child is adopted by a husband and wife, the family name given to the adopted child shall be determined according to the rules set forth in article 57.

If a married person adopts the child of his or her spouse, the adopted child shall retain his or her family name. If so requested, the court may give the adopted child either the family name of the adopting parent or the family name of the adopting parent's spouse.

At the request of either or both adopting parents, the court may change the forenames of the adopted child.

Article II. The decree of 4 July 1806 concerning the drawing up of a registration record for a lifeless child by a Civil Registry official is repealed.

Article III. The effective date of this Law shall be 1 January 2002.

The previous provisions shall continue to apply to couples already married and to children already born at the time this Law enters into force, as well as to any brothers or sisters of theirs who may be born subsequently, in so far as they have the same father and mother.

For purposes of the application of this article, adoption is assimilated to birth.

By enacting this Law, the Government of Luxembourg hopes to be able to remove the reservation concerning the choice of a child's patronymic name that it entered in 1989 when it ratified the Convention on the Elimination of All Forms of Discrimination against Women.

86. Motion adopted on 12 May 1999 by the Chamber of Deputies in public session

- The Chamber of Deputies invites the Government:
- To update existing legislation so as to deal with domestic violence;
- To amend existing legislation so as to permit the immediate removal from the family home of anyone who commits an act of family violence, and to prevent that person from returning to it;
- To promote cooperation amongst the various parties concerned to afford protection and security to victims of violence, and to develop means to this end.

The Ministry for the Advancement of Women has tabled a bill on domestic violence (see article 5, paragraph 21.2).